

EXHIBIT B

1 IN THE UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF TEXAS

3 EL PASO DIVISION

4
5 ROSWITHA M. SAENZ,
Individually and on behalf of
6 THE ESTATE OF DANIEL SAENZ,
Deceased,

7 Plaintiff,

8 v. 14-CV-244PRM

9 G4S SECURE SOLUTIONS (USA)
10 INC., OFFICER JOSE FLORES AND
ALEJANDRO ROMERO,

11 Defendants.

12
13
14 The Videotaped Deposition of ALEJANDRO ROMERO,
15 taken at the request of the Plaintiff, pursuant to
16 Federal Rules of Civil Procedure, on Wednesday, August
17 9, 2017, from 9:56 a.m. to 6:19 p.m., at 109 N. Oregon,
18 Suite 700, El Paso, Texas 79901.

19
20
21
22
23
24 Reported by:

25 Teri C. Finnegan, TX & NM CSR, RPR

2	4
1 A P P E A R A N C E S	1 Requested Items:
2 For the Plaintiff:	2 Page 51, Line 2
3 Bradley C. Gage	3 Page 210, Line 16
4 Goldberg & Gage	4
5 23002 Victory Boulevard	5
6 Woodland Hills, California 91367	6
7 E-Mail: bgage@goldbergandgage.com	7
8 and	8
9 Oscar Mendez	9
10 Scherr & Legate, PLLC	10
11 109 N. Oregon, 12th Floor	11
12 El Paso, Texas 79901	12
13 E-Mail: omendez@scherrlegate.com	13
14 For Defendants G4S Secure Solutions (USA) Inc. and	14
15 Alejandro Romero:	15
16 Francisco J. Ortega	16
17 Scott Hulse, P.C.	17
18 201 East Main, Suite 1100	18
19 El Paso, Texas 79901	19
20 E-Mail: fort@scotthulse.com	20
21 For Defendant Officer Jose Flores:	21
22 Jim Darnell	22
23 Jeep Darnell	23
24 310 N. Mesa, Site 212	24
25 El Paso, Texas 79901	25
E-Mail: jdarnell@jdarnell.com	
Also present: Roswitha M. Saenz	
Leo Betancourt (Videographer)	
3	5
1 I N D E X	1 THE VIDEOGRAPHER: Today's date is
2 WITNESS: PAGE:	2 August 9, 2017. The time is 9:56 a.m. This is the
3 ALEJANDRO ROMERO	3 videotaped deposition of Alejandro Romero in the matter
4 Examination by Mr. Gage 5	4 of Roswitha M. Saenz, et al. versus G4S Secure
5 Examination by Mr. Jeep Darnell 258	5 Solutions, Inc., et al.
6 Further Examination by Mr. Gage 261	6 Would the counsel please introduce
7 Further Examination by Mr. Jeep Darnell 267	7 yourselves after which the court reporter will swear in
8 Examination by Mr. Ortega 268	8 the witness.
9 Further Examination by Mr. Gage 274	9 MR. GAGE: Bradley Gage, Goldberg and
10 CHANGES AND SIGNATURE PAGE 287	10 Gage, on behalf of the plaintiff.
11 CERTIFICATE OF COURT REPORTER 288	11 MR. MENDEZ: Oscar Mendez, as well, on
12 EXHIBIT DESCRIPTION PAGE:	12 behalf of plaintiff.
13 No. 39A El Paso Police Department Witness 160	13 MR. JIM DARNELL: We don't have to do
14 Statement, Bates Flores 000264 - Flores	14 this. We've been here for three days.
15 000275	15 MR. GAGE: I know. Well, he wants it.
16 No. 40 Audio Transcription, Shooting Review 167	16 MR. ORTEGA: Good morning.
17 Board, Officer Alejandro Romero	17 Francisco Ortega for Defendants G4S Secure Solutions
18 No. 41 El Paso Police Department, Shooting 254	18 and Alejandro Romero who's here today.
19 Review Team, Administrative Statement -	19 MR. JIM DARNELL: Jim Darnell and Jeep
20 Witness/Sworn, Bates Def City 00512 -	20 Darnell for Jose Flores.
21 Def City 00514	21 MR. GAGE: And the reason for the
22 No. 42 Color Copy of Photograph 256	22 one-hour delay in starting is we got called by Jeep
23 No. 43 Color Copy of Photograph 256	23 that there was a delay on their end.
24 No. 44 Color Copy of Photograph 256	24 All right. You can swear him in.
25 No. 46 Color Copy of Photograph 256	25

<p>6</p> <p>1 ALEJANDRO ROMERO, 2 sworn by the Certified Court Reporter, testified as 3 follows: 4 EXAMINATION 5 BY MR. GAGE: 6 Q. Have you ever had your deposition taken 7 before? 8 A. I have not, sir. 9 Q. A deposition is a statement under oath. It 10 carries with it the same obligation to tell the truth 11 as if you're testifying in a court of law. Do you 12 understand that? 13 A. Yes, sir. 14 Q. For that reason it's important that you listen 15 carefully to all questions asked of you. If at any 16 time you're asked a question that you do not 17 understand, don't answer, simply tell us that you don't 18 understand. Will you do that for us? 19 A. Yes, sir. 20 Q. Have you understood everything so far? 21 A. Yes, sir. 22 Q. Is there any reason why you cannot give us 23 the -- your best testimony here today? That could be 24 anything: Drugs, alcohol, medication, lack of sleep? 25 A. Lack of sleep, sir.</p>	<p>8</p> <p>1 MR. ORTEGA: Objection, form, vague. 2 Q. (By Mr. Gage) Go ahead. 3 A. No, sir, I was not angry, I was only tired and 4 exhausted, sir. 5 Q. Did Flores appear angry or upset to you? 6 MR. ORTEGA: Objection, calls for 7 speculation. 8 A. I'm not sure what Mr. Flores was thinking, 9 sir. 10 Q. (By Mr. Gage) Have you seen a person that 11 looked angry before? 12 A. I have, sir. 13 Q. They have certain characteristics that you've 14 observed. Right? 15 A. I have, sir. 16 Q. Did you look at Officer Flores to see whether 17 or not he exhibited those signs that you've seen and 18 associated with being angry? 19 A. He did not, sir. 20 Q. You did not look? 21 A. No, he -- 22 Q. My question is did you look? Yes or no. 23 A. Oh. Yes, sir. 24 Q. You did look. Because it was a concern for 25 yours, your wanted to know if he was an angry person or</p>
<p>7</p> <p>1 Q. Do you believe that that's going to prevent 2 from you giving us your best testimony here today? 3 A. I'm not entirely sure, we'll just have to 4 go -- 5 Q. Well, it's very important. If you tell us you 6 can't give us your best testimony here today, I'm not 7 going to proceed, you're going to have to come back. 8 A. No, sir, it won't affect it, sir. 9 Q. All right. This is an important event. 10 You're testifying under penalty of perjury. You 11 understand that? 12 A. Yes, sir. 13 Q. You have an obligation to tell the truth and 14 give us your best testimony here today. You understand 15 that. Correct? 16 A. Yes, sir. 17 Q. So if there's any reason why you cannot do 18 that, we need to know right now, otherwise we'll 19 proceed because you're the person that can tell us if 20 you're capable of going or not. 21 A. No, sir. 22 Q. You're ready to go? 23 A. Yes, sir. 24 Q. Were you tired and angry after dragging 25 Daniel Saenz around the jail?</p>	<p>9</p> <p>1 not at that point. True? 2 A. Yes, sir. 3 Q. The reason you were concerned and wanted to 4 know if Flores was angry was based on all the events 5 that were happening. True? 6 A. Yes, sir. 7 MR. ORTEGA: Objection, vague. 8 Q. (By Mr. Gage) And what were those events that 9 were happening that caused you to have a concern that 10 Flores might be angry? 11 A. Can you repeat -- 12 MR. JIM DARNELL: Objection, form, 13 assumes facts not in evidence and misstates the 14 testimony of the witness. 15 Q. (By Mr. Gage) What were the events that you 16 saw or that were happening that caused you to have a 17 concern whether or not Flores was angry? 18 MR. JIM DARNELL: Same objection. 19 A. I don't understand your question, sir. Can 20 you rephrase your question, please. 21 Q. (By Mr. Gage) Sure. You told us that you 22 looked to see if Flores was angry. Remember that 23 testimony a couple minutes ago? 24 A. Yes, sir. 25 Q. And you looked to see if Flores was angry</p>

<p style="text-align: right;">10</p> <p>1 because of the events that were happening at the time. 2 True? 3 A. That is correct, sir. 4 Q. Where were you when you looked to see if 5 Flores was angry? 6 A. I do not recall, sir. 7 Q. Were you -- did you look to see if Flores was 8 angry while still at the regional center, the station 9 at Pebble Hills? 10 A. I do not recall, sir. 11 Q. Did you look to see if Flores was angry before 12 taking Daniel Saenz into the jail while walking in 13 between the van and the entrance to the jail? 14 A. No, I do not recall, sir. 15 Q. Okay. So then you looked to see if Flores was 16 angry while you were inside of the jail. Right? 17 A. I don't recall that either, sir. 18 Q. So you just recall at some point while you 19 were transporting Daniel Saenz, you looked to see if 20 Flores was angry, but you can't remember where you 21 were. Is that correct? 22 A. That is correct, sir. 23 Q. The reason why you looked to see if Flores was 24 angry was it was a concern of yours whether he was 25 angry or not. True?</p>	<p style="text-align: right;">12</p> <p>1 A. I'm not sure what other others are thinking, 2 sir. 3 Q. (By Mr. Gage) I'm just asking if you know a 4 person has a short fuse, is an angry hothead, does that 5 cause you a concern if you're working with them in law 6 enforcement? 7 MR. ORTEGA: Objection, vague. 8 A. Obviously, there are times that, you know, you 9 see an officer or a partner that does have that type of 10 personality or that presents themselves like that way, 11 you would have -- it would be in the back of your mind, 12 yes, of course. 13 Q. (By Mr. Gage) Why would the fact that your 14 partner is a hothead be in the back of your mind? 15 A. It just depends on officers. I can't speak 16 for every officer but -- 17 Q. I'm asking about you. 18 A. I'm sorry? 19 Q. I'm asking about you. Why is it in the back 20 of your mind if you're working with someone who's a 21 hothead or an angry person? 22 A. In my opinion to get mentally prepared for any 23 situation that might arise. 24 Q. When you're talking about an incident that 25 might arise, hotheads can create a more dangerous</p>
<p style="text-align: right;">11</p> <p>1 A. No, sir, it wasn't a concern of mine. 2 Q. One of the reasons you would be concerned 3 about a partner of yours taking a prisoner into the 4 jail system if they're angry or not is an angry person 5 can do things that you've been taught would be 6 impermissible or unlawful. Correct? 7 MR. ORTEGA: Objection, vague, calls for 8 speculation. 9 MR. JIM DARNELL: Same objection. 10 A. I'm -- I'm not sure what Mr. Flores was 11 thinking at the time, sir. 12 Q. (By Mr. Gage) You've heard the term 13 "hothead," haven't you? 14 A. Yes, I have. 15 Q. What is your understanding what a hothead is? 16 A. A hothead person, to my understanding in my 17 opinion, is someone who possibly doesn't keep their 18 cool, that doesn't -- or that blows up, has a very 19 short fuse, in other words. That gets agitated, 20 irritated quickly. That's my understanding, sir. 21 Q. In law enforcement if you have an officer who 22 is a hothead that's working with you, that causes you 23 to have a concern, doesn't it? 24 MR. ORTEGA: Objection, lack of 25 foundation, vague, calls for speculation.</p>	<p style="text-align: right;">13</p> <p>1 situation for you in the way they're handling a 2 prisoner. Correct? 3 MR. ORTEGA: Objection, vague, calls for 4 speculation. 5 MR. JIM DARNELL: Same objection. 6 A. Can you repeat the question, please. 7 MR. GAGE: We'll have it read back. 8 I stipulate on all read backs your 9 objection is preserved. You don't have to say them 10 again. 11 (The Court Reporter read back: And when 12 you're talking about an incident that 13 might arise, hotheads can create a more 14 dangerous situation in the way they're 15 handling a prisoner. Correct?) 16 A. Not in -- not in every situation, but there's 17 different situations, there's different circumstances, 18 but you still have to be mindful on those type of 19 things. 20 Q. (By Mr. Gage) I understand you want to be 21 mindful. But one of the differences between working 22 with a partner who has what's known as a long fuse and 23 working with someone with a short fuse is, if you're 24 working with a partner with a short fuse, they're more 25 likely to fly off the handle. Correct?</p>

<p>14</p> <p>1 MR. ORTEGA: Objection, vague, calls for 2 speculation.</p> <p>3 MR. JIM DARNELL: Same objection.</p> <p>4 A. I'm not sure, sir, it depends on the 5 circumstances.</p> <p>6 (Discussion off the stenographic record.)</p> <p>7 Q. (By Mr. Gage) Have you in your life 8 experienced situations where you saw people that got 9 angry, upset, and because of that did something that 10 was rash or not really proper?</p> <p>11 MR. ORTEGA: Objection, vague.</p> <p>12 A. Have I ever in my life experienced it?</p> <p>13 Q. (By Mr. Gage) Correct.</p> <p>14 A. Yes, I have, sir.</p> <p>15 Q. What kinds of situations have you seen in 16 general when that happened?</p> <p>17 A. Personal situations, family matters, friends.</p> <p>18 Q. People that get upset, angry, they can engage 19 in acts of violence that normally they would not do. 20 Agreed?</p> <p>21 MR. ORTEGA: Objection, vague, calls for 22 speculation.</p> <p>23 A. Not all the time, sir.</p> <p>24 Q. (By Mr. Gage) Sometimes. Right?</p> <p>25 MR. ORTEGA: Objection vague, calls for</p>	<p>16</p> <p>1 Q. (By Mr. Gage) So based on your own 2 experience, you know that a person that is angry can 3 engage in acts of violence more frequently than a 4 person not angry. True?</p> <p>5 MR. ORTEGA: Objection, vague, calls for 6 speculation.</p> <p>7 A. Yes, sir.</p> <p>8 Q. (By Mr. Gage) You also know that if a person 9 is really tired and exhausted, it impacts their ability 10 to think clearly. Right?</p> <p>11 MR. ORTEGA: Objection, vague, calls for 12 speculation, lack of foundation.</p> <p>13 A. I would assume that it would -- it would 14 affect their ability, yes. It just -- it depends on 15 person to person.</p> <p>16 Q. (By Mr. Gage) You've been trained in your 17 life in law enforcement that if you're in a situation 18 where you're tired, exhausted, angry or otherwise not 19 thinking right, you should immediately call for 20 assistance. Correct?</p> <p>21 MR. ORTEGA: Objection, lack of 22 foundation, vague, calls for speculation.</p> <p>23 MR. JIM DARNELL: Same objection.</p> <p>24 A. No, not necessarily, no.</p> <p>25 Q. (By Mr. Gage) When you say "not necessarily,"</p>
<p>15</p> <p>1 speculation.</p> <p>2 A. I don't know, sir. It just -- it would depend 3 on the situation.</p> <p>4 Q. (By Mr. Gage) I'm not asking for a specific 5 situation. I'm just asking you if in your life's 6 experience, you are aware of the fact that people, when 7 they get angry, tend to go into a violent situation 8 without thinking ever. Has there ever been an 9 experience in your lifetime?</p> <p>10 MR. ORTEGA: Objection, vague, calls for 11 speculation.</p> <p>12 MR. JIM DARNELL: Same objection.</p> <p>13 A. I don't know, sir. There's --</p> <p>14 Q. (By Mr. Gage) Go ahead. Finish.</p> <p>15 A. No, no. Go ahead, sir.</p> <p>16 Q. No, I want you to finish, please.</p> <p>17 A. I lost my train of thought. I forgot what I 18 was going to say. I'm sorry.</p> <p>19 Q. How old are you?</p> <p>20 A. I'm 26 -- I'm sorry -- 27.</p> <p>21 Q. In your 27 years of life's experience, have 22 you ever seen a person that was angry that then engaged 23 in acts of violence?</p> <p>24 MR. ORTEGA: Objection, vague.</p> <p>25 A. Yes, I have.</p>	<p>17</p> <p>1 that tells me sometimes you're told you are and 2 sometimes you're told you're not. Correct?</p> <p>3 A. Told I'm not what, sir?</p> <p>4 Q. In need of calling for assistance when you're 5 tired, angry, exhausted and unable to think clearly.</p> <p>6 MR. ORTEGA: Objection, vague, lack of 7 foundation, calls for speculation.</p> <p>8 MR. JIM DARNELL: Same objection.</p> <p>9 A. I wouldn't know how to answer that, sir, 10 because it just depends on that instance and what 11 that -- what your supervisors tell you and what the 12 policies are in place for that.</p> <p>13 Q. (By Mr. Gage) Have you ever been trained or 14 policies and procedures anywhere in law enforcement?</p> <p>15 A. I have, sir.</p> <p>16 Q. Where did you get training?</p> <p>17 A. Where did I get training?</p> <p>18 Q. Correct.</p> <p>19 A. Are you -- okay. So are you asking me --</p> <p>20 Q. Have you had -- you told us you had training 21 some place in law enforcement. I want to know where 22 that was.</p> <p>23 A. Okay. It was Dona Ana County Detention 24 Center.</p> <p>25 Q. Spell that for me.</p>

<p>18</p> <p>1 A. D-O-N-A and then A-N-A County Detention 2 Center. 3 Q. When did you get that training? 4 A. That was January of 2012 through -- January -- 5 January of 2012 through February of 2012. 6 Q. Just one month? 7 A. Yes, approximately one month. 8 Q. Were you working for that detention center at 9 the time? 10 A. I was, sir. 11 Q. And then did you get fired in February of 12 2012? 13 A. From the detention center? 14 Q. Yes. 15 A. No, sir, I did not get fired, I resigned. 16 Q. Why did you resign? 17 A. To go on to G4S, sir. 18 Q. So you had one month's training in law 19 enforcement in your career. Correct? 20 A. At that time, yes, sir. 21 Q. In that exhaustive month of training, did you 22 learn about escalation and de-escalation of uses of 23 force? 24 A. That is correct, sir. 25 Q. You were taught --</p>	<p>20</p> <p>1 training academy, in July of 2013. 2 Q. So between the day you were born and July of 3 2013, your entire training experience was the one month 4 working at Dona Ana County Detention Center. True? 5 A. Plus -- plus the -- the El Paso Police 6 Department training. 7 Q. You start that in July of 2013. 8 A. That's correct. 9 Q. Until you start with El Paso, the entire 10 amount of training that you have had in law enforcement 11 was the one month at Dona Ana County Detention Center 12 for your entire life. Correct? Yes or no. 13 A. Additionally, the G4S training as well. 14 Q. Tell us what you learned in the one month at 15 Dona Ana County Detention Center regarding 16 de-escalation of force. 17 A. I do not recall, sir. 18 Q. You don't recall anything at all from that 19 training. Is that correct? 20 A. I recall -- I recall the -- the use of force 21 continuum and other training, but it's -- it happened a 22 very long time ago. 23 Q. What were you taught at Dona Ana County 24 Detention Center regarding the use of force continuum? 25 A. The -- I was taught the use of force, the --</p>
<p>19</p> <p>1 MR. JIM DARNELL: Object to sidebar. 2 Q. (By Mr. Gage) -- that with respect to uses of 3 force, you had to assess the situation so that you as a 4 law enforcement officer can make a situation less 5 dangerous. Correct? 6 MR. ORTEGA: Objection, vague. 7 A. Yes, sir. 8 Q. (By Mr. Gage) What information were you 9 taught on how to de-escalate force so the situation 10 would be safer? 11 MR. JIM DARNELL: Are you asking in that 12 one-month training or any time? 13 Q. (By Mr. Gage) Any time. 14 A. I've had -- after the -- the county detention 15 center, I've had the El Paso Police Department training 16 and DHS training, Department of Homeland Security 17 training, as well, in the use of force -- training in 18 the use of force, sir. 19 Q. All right. In the year of 2012, the only 20 training you received was the one month at Dona Ana 21 County Detection Center. Is that true? 22 A. That's correct. 23 Q. In 2013 did anybody give you any training? 24 A. Yes, sir. At that time it was -- I started my 25 job at -- for the El Paso Police Department, the</p>	<p>21</p> <p>1 the proper techniques as far as self-defense, 2 handcuffing, cell extractions, prisoner escorts, things 3 of that nature, sir. 4 Q. What do they teach you regarding prisoner 5 escorts? 6 A. How to hold a prisoner, how to -- yeah, how to 7 escort a prisoner, how to deal with a combative 8 prisoner. 9 Q. How were you taught to hold a prisoner? 10 A. It was to have -- do you want me to 11 demonstrate? 12 Q. Sure. 13 A. It was -- to my recollection it was to put 14 your arm under theirs. If they're like this, to put 15 your arm underneath or through here and then have -- 16 Q. Indicating underneath the armpit area. 17 A. Yes, the armpit area or this -- the 18 bicep/tricep area. And then to have your other hand 19 like this. 20 THE WITNESS: Do you mind if I show on 21 you? 22 MR. GAGE: Go for it. 23 MR. ORTEGA: No. 24 A. Then -- yeah. 25 MR. GAGE: Maybe our videographer could</p>

<p style="text-align: right;">22</p> <p>1 volunteer and you could show it on him.</p> <p>2 If you can stand next to him, it should</p> <p>3 be close enough.</p> <p>4 MR. ORTEGA: Well, I object to the</p> <p>5 demonstration. He's explained to you visually and</p> <p>6 verbally how he was taught to hold prisoners at</p> <p>7 Dona Ana County.</p> <p>8 MR. GAGE: It doesn't matter whether</p> <p>9 you're objecting, he can still do it. So if you're</p> <p>10 available. Demonstrations are allowed.</p> <p>11 MR. ORTEGA: I understand that.</p> <p>12 Objections are as well.</p> <p>13 Q. (By Mr. Gage) Stay in that general location,</p> <p>14 stand up, and show us how you do the hold.</p> <p>15 A. If he has his -- his arm behind his back like</p> <p>16 this, which they should --</p> <p>17 If they have their arm behind their back</p> <p>18 like as such, it's like this.</p> <p>19 Q. All right. So you're describing --</p> <p>20 A. Or your arm around their -- their bicep/tricep</p> <p>21 area or underneath their armpit area.</p> <p>22 Q. Okay. We're going to do two things. Let's</p> <p>23 stay standing.</p> <p>24 You have a prisoner, they're</p> <p>25 handcuffed -- or you just put their hands behind their</p>	<p style="text-align: right;">24</p> <p>1 -- your left arm comes across your body</p> <p>2 and goes underneath the armpit area of a prisoner</p> <p>3 facing towards his back area and, then the right hand</p> <p>4 would be --</p> <p>5 A. Right here on the tricep area.</p> <p>6 Q. -- on the tricep of him from your body.</p> <p>7 Correct?</p> <p>8 A. That's correct.</p> <p>9 Q. All right.</p> <p>10 MR. GAGE: Thank you very much both of</p> <p>11 you.</p> <p>12 Q. (By Mr. Gage) Were you ever taught afterwards</p> <p>13 that that way of escorting a prisoner was different; in</p> <p>14 other words did your training change on how you should</p> <p>15 escort a prisoner or has it always been the same?</p> <p>16 A. At that time it was the same, sir.</p> <p>17 Q. All right. So on March 8, 2013, that was your</p> <p>18 method. Correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Did you drag Daniel Saenz through the jail on</p> <p>21 March 8th, 2013?</p> <p>22 A. No.</p> <p>23 MR. ORTEGA: Objection, vague.</p> <p>24 Q. (By Mr. Gage) You did not. All right. Did</p> <p>25 you escort Daniel Saenz in a standing position the</p>
<p style="text-align: right;">23</p> <p>1 back whether they're handcuffed or not?</p> <p>2 A. If they're -- no, if they're -- they have to</p> <p>3 be handcuffed.</p> <p>4 Q. All right.</p> <p>5 MR. GAGE: So if our videographer could</p> <p>6 put his hands behind his back.</p> <p>7 Q. (By Mr. Gage) Now, you've showed us two</p> <p>8 different ways that you were taught to do the hold.</p> <p>9 Show the first one again, please.</p> <p>10 A. Like this.</p> <p>11 Q. So what you have is around the left arm of</p> <p>12 the -- keep your hands there -- of the videographer,</p> <p>13 you were taught to put your right arm --</p> <p>14 Keep it the first way so I can describe</p> <p>15 it for the record.</p> <p>16 -- right arm underneath the -- the area</p> <p>17 by the armpit and you'd hold with your right arm on the</p> <p>18 elbow, your left arm would come across your body and</p> <p>19 hold on the biceps/triceps area of the left arm. Is</p> <p>20 that correct?</p> <p>21 A. That's correct.</p> <p>22 Q. Now show us the second way.</p> <p>23 A. Well, on this way and then --</p> <p>24 Q. The second way which you are showing us --</p> <p>25 Keep your hands there.</p>	<p style="text-align: right;">25</p> <p>1 entire time that you went through the jail?</p> <p>2 A. I attempted to, sir.</p> <p>3 Q. My question is not what you attempted. My</p> <p>4 question is what you did do.</p> <p>5 MR. JIM DARNELL: Please don't interrupt</p> <p>6 his answer.</p> <p>7 Q. (By Mr. Gage) My question again is what did</p> <p>8 you do. Did you walk him through the jail at all</p> <p>9 times?</p> <p>10 A. I attempted to escort Mr. Saenz at various</p> <p>11 points through the jail, he was very uncooperative and</p> <p>12 combative with me and Officer Flores.</p> <p>13 MR. GAGE: Move to strike, nonresponsive.</p> <p>14 Q. (By Mr. Gage) Simple question. Did you walk</p> <p>15 Mr. Saenz through the jail at all times? Yes or no.</p> <p>16 A. No.</p> <p>17 Q. Did you at all times escort Mr. Saenz under</p> <p>18 either of the two methods that you were taught was the</p> <p>19 proper way of escorting a prisoner? Yes or no.</p> <p>20 A. No.</p> <p>21 Q. Were you told that if you don't properly</p> <p>22 escort a prisoner that could result in some kind of</p> <p>23 Constitutional claim against you?</p> <p>24 MR. ORTEGA: Objection to form, calls for</p> <p>25 speculation, lack of foundation and calls for a legal</p>

<p>26</p> <p>1 conclusion.</p> <p>2 MR. JIM DARNELL: Same objection.</p> <p>3 Q. (By Mr. Gage) Go ahead.</p> <p>4 A. It's --</p> <p>5 THE WITNESS: Can you please repeat the</p> <p>6 question.</p> <p>7 (The Court Reporter read back: Were you</p> <p>8 told that if you don't properly escort a</p> <p>9 prisoner, that could result in some sort</p> <p>10 of Constitutional claim against you?)</p> <p>11 A. It was -- it wasn't told. It was common sense</p> <p>12 for me.</p> <p>13 Q. (By Mr. Gage) All right. So at least as part</p> <p>14 of your common sense, you knew that it was required to</p> <p>15 properly transport a prisoner, otherwise it could</p> <p>16 result in a Constitutional claim against you. Correct?</p> <p>17 MR. ORTEGA: Objection, form, vague,</p> <p>18 calls for speculation and calls for a legal conclusion.</p> <p>19 A. It would just depend on the instance and</p> <p>20 circumstance, sir, that's all.</p> <p>21 Q. (By Mr. Gage) So what you know is there are</p> <p>22 times if you don't handle a prisoner in the correct</p> <p>23 fashion that could result in a Constitutional violation</p> <p>24 claim against you. True?</p> <p>25 MR. ORTEGA: Objection, vague, calls for</p>	<p>28</p> <p>1 enforcement places in your long career. Correct?</p> <p>2 A. Three different places, sir.</p> <p>3 Q. All of them taught you about Constitutional</p> <p>4 law, didn't they?</p> <p>5 MR. ORTEGA: Objection, lack of</p> <p>6 foundation.</p> <p>7 A. Yes, sir, I would have to say yes.</p> <p>8 Q. (By Mr. Gage) They all taught you about</p> <p>9 illegal searches and seizures as an example. True?</p> <p>10 A. That is correct.</p> <p>11 Q. You knew from the teachings that you received</p> <p>12 that if you did not properly handle a prisoner, that</p> <p>13 could be a violation of the Constitution, either the</p> <p>14 Fourth, Eighth or Fourteenth Amendments. True?</p> <p>15 MR. ORTEGA: Objection, vague, calls for</p> <p>16 speculation and calls for a legal conclusion.</p> <p>17 MR. JIM DARNELL: Same objection.</p> <p>18 A. Those -- those teachings were taught, but I</p> <p>19 mean I can't decide. It's up to the courts to decide</p> <p>20 that.</p> <p>21 Q. (By Mr. Gage) I'm not asking you to decide.</p> <p>22 I'm only asking you what you were taught. And you've</p> <p>23 told us now, I believe, that you were taught about</p> <p>24 Constitutional law and that there were times that if</p> <p>25 you did not properly handle a prisoner, you could be</p>
<p>27</p> <p>1 speculation and calls for a legal conclusion.</p> <p>2 MR. JIM DARNELL: Same objection.</p> <p>3 A. Again, sir, it would have to depend on the</p> <p>4 situation.</p> <p>5 Q. (By Mr. Gage) Sometimes it could, sometimes</p> <p>6 it couldn't is what you understood. True?</p> <p>7 MR. ORTEGA: Objection vague, lack of</p> <p>8 foundation, calls for a legal conclusion and</p> <p>9 speculation.</p> <p>10 MR. JIM DARNELL: Same objection.</p> <p>11 A. Again, sir, it just depends on the</p> <p>12 situations -- on different situations.</p> <p>13 Q. (By Mr. Gage) When you say it depends on the</p> <p>14 situation, that's an unclear answer. Are you saying it</p> <p>15 depends on the situation so that in some situations the</p> <p>16 way you handle a prisoner could result in a</p> <p>17 Constitutional violation and in other instances it</p> <p>18 would not?</p> <p>19 MR. ORTEGA: Objection, calls for</p> <p>20 speculation, it's vague, calls for a legal conclusion.</p> <p>21 MR. JIM DARNELL: Same objection.</p> <p>22 MR. ORTEGA: He's not an attorney.</p> <p>23 A. I can't decide what happens at the end of, you</p> <p>24 know, every action, sir. I can't decide that.</p> <p>25 Q. (By Mr. Gage) You've worked at various law</p>	<p>29</p> <p>1 sued for civil rights violations or Constitutional</p> <p>2 violations. True?</p> <p>3 MR. ORTEGA: Objection, speculation, lack</p> <p>4 of foundation, vague and calls for a legal conclusion.</p> <p>5 MR. JIM DARNELL: Same objection.</p> <p>6 A. I do not recall, sir.</p> <p>7 Q. (By Mr. Gage) You don't recall one way or</p> <p>8 another if you were taught now about Constitutional</p> <p>9 law?</p> <p>10 A. No, I recall that I was taught about</p> <p>11 Constitutional law, I just don't recall if they were --</p> <p>12 if they ever mentioned it would be -- there would be</p> <p>13 litigations.</p> <p>14 Q. Were you told it was improper to use excessive</p> <p>15 force?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Were you told that if you used excessive</p> <p>18 force, that could create liability for you?</p> <p>19 MR. ORTEGA: Objection, vague, calls for</p> <p>20 legal conclusion.</p> <p>21 MR. JIM DARNELL: Same objection.</p> <p>22 A. Yes, sir, I don't recall.</p> <p>23 Q. (By Mr. Gage) You've given me two answers.</p> <p>24 You said, "Yes, sir," and you said, "I don't recall."</p> <p>25 My question is -- needs to be answered</p>

<p>30</p> <p>1 clearly. Were you taught that if you used excessive 2 force that could be a violation of law? Yes or no. 3 MR. ORTEGA: Objection, vague, calls for 4 speculation, calls for legal conclusion. 5 MR. JIM DARNELL: Same objection. 6 MR. ORTEGA: And asked and answered. 7 Q. (By Mr. Gage) You can answer. 8 MR. ORTEGA: He's asking you to give him 9 a legal opinion as to whether something would lead to a 10 legal violation. 11 Q. (By Mr. Gage) I asked what you were taught. 12 A. Taught where? 13 Q. I'll make it even more specific. 14 Did you ever go through any training at 15 G4S where they taught you about Constitutional law? 16 Yes or no. 17 A. I don't recall, sir. 18 Q. You don't recall getting such training? 19 A. At G4S? 20 Q. I'm going to focus on G4S for a number of 21 questions now, okay, so you're clear what I'm focusing 22 on. 23 Did G4S ever advise you if you engaged in 24 excessive force, that could lead to liability for you? 25 MR. ORTEGA: Objection, calls for a legal</p>	<p>32</p> <p>1 (The Court Reporter read back: Did G4S 2 teach you what would be considered the 3 proper use of force in various 4 situations?) 5 A. I'll have to say yes. 6 Q. (By Mr. Gage) What did they teach you? 7 A. The company, like I said, sent me to the 8 Mission Valley Community College to get the Level 3 9 security guard licensing. That's where they sent me. 10 Q. That's not answering my question. 11 What did G4S teach you, if anything, 12 regarding the proper use of force? 13 A. They presented the use of force continuum, 14 sir. 15 Q. What is your understanding of the use of force 16 continuum? 17 A. It's a -- to my understanding in my opinion, 18 it's -- it's a process, steps for escalation or 19 de-escalation of certain situations, sir. 20 Q. What situations? 21 A. When dealing with -- with detainees, prisoners 22 or arrestees. 23 Q. Were you taught by G4S that you could only use 24 reasonable force based on the force being used against 25 you as part of this continuum?</p>
<p>31</p> <p>1 conclusion and speculative. 2 A. No, sir, I don't recall. 3 Q. (By Mr. Gage) Did G4S teach you what would be 4 considered the proper use of force in various 5 situations? 6 MR. ORTEGA: Objection, vague. 7 A. They sent me to training in -- at the Mission 8 Valley Community College, sir. 9 Q. (By Mr. Gage) That's not answering my 10 question. 11 MR. GAGE: Move to strike. 12 I'll have it read back to you. 13 (The Court Reporter read back: Did G4S 14 teach you what would be considered the 15 proper use of force in various 16 situations?) 17 MR. ORTEGA: What was his answer? 18 (The Court Reporter read back: They sent 19 me to training at the Mission Valley 20 Community College, sir.) 21 MR. GAGE: It's not a response to my 22 question. So I want my question answered. 23 MR. ORTEGA: Do you want the question 24 read back to you again? 25 THE WITNESS: I do, please.</p>	<p>33</p> <p>1 MR. ORTEGA: Objection, vague. 2 A. They -- it was taught that, yes. 3 Q. (By Mr. Gage) Were you advised that if you 4 used more than reasonable force, that could create any 5 kind of liability for you? 6 MR. ORTEGA: Objection, vague, calls for 7 speculation and calls for a legal conclusion. 8 MR. JIM DARNELL: Same objection. 9 A. No, sir, I don't recall that. 10 Q. (By Mr. Gage) What were you told, if 11 anything, would be the consequence to you if you 12 engaged in excessive force? 13 MR. ORTEGA: Objection, asked and 14 answered, calls for a legal conclusion, vague and 15 speculative. 16 Q. (By Mr. Gage) Go ahead. 17 MR. JIM DARNELL: Same objection. 18 A. To my understanding it would be termination. 19 Q. (By Mr. Gage) Has any law enforcement agency 20 ever explained to you what would happen if you used too 21 much force on a prisoner? 22 MR. ORTEGA: Objection, vague and lack of 23 foundation. 24 A. Yes, sir, they have. 25 Q. (By Mr. Gage) What have they told you?</p>

<p style="text-align: right;">34</p> <p>1 A. There would -- there would be be consequences</p> <p>2 for -- for myself and my -- and my job, my career.</p> <p>3 Q. What consequences were you taught?</p> <p>4 A. Termination, suspension, things of that</p> <p>5 nature.</p> <p>6 Q. You were taught you could be sued as well?</p> <p>7 A. That the -- the entity could be sued, yes.</p> <p>8 Q. You were taught that your employer could be</p> <p>9 sued if you used excessive force. Correct?</p> <p>10 MR. ORTEGA: Objection, vague, calls for</p> <p>11 a legal conclusion.</p> <p>12 A. That's what they mentioned, sir.</p> <p>13 Q. (By Mr. Gage) G4S gave that you training as</p> <p>14 well. True?</p> <p>15 A. I don't recall, sir.</p> <p>16 Q. It's possible, you just can't recall one way</p> <p>17 or another. Is that what you're telling us?</p> <p>18 A. Yes, sir.</p> <p>19 Q. When you were told that the entity could be</p> <p>20 sued if you used excessive force, did they explain to</p> <p>21 you that you could be sued for any kind of a civil</p> <p>22 rights violation?</p> <p>23 MR. ORTEGA: Objection, vague.</p> <p>24 A. It's a possibility, sir, yes.</p> <p>25 Q. (By Mr. Gage) What did they tell you</p>	<p style="text-align: right;">36</p> <p>1 A. Where at, sir?</p> <p>2 Q. Anywhere.</p> <p>3 A. Yes, sir.</p> <p>4 Q. Did G4S give you such training?</p> <p>5 A. I don't recall, sir.</p> <p>6 Q. You don't recall any training by G4S about</p> <p>7 searches and seizures. True?</p> <p>8 A. No, sir, I don't recall.</p> <p>9 Q. But other law enforcement agencies have given</p> <p>10 you training on searches and seizures. Correct?</p> <p>11 A. That is correct.</p> <p>12 Q. What have these other agencies provided to you</p> <p>13 regarding the laws of search and seizure?</p> <p>14 MR. JIM DARNELL: Object, overbroad.</p> <p>15 MR. ORTEGA: Same objection.</p> <p>16 A. I don't recall, sir. It's been -- it's</p> <p>17 happened over a course of many years and many</p> <p>18 training -- many training sessions and things of that</p> <p>19 nature, sir, I don't recall.</p> <p>20 Q. (By Mr. Gage) You can't recall a single thing</p> <p>21 that you've learned in any of these agencies that</p> <p>22 you've worked in for the past several years. Is that a</p> <p>23 true statement?</p> <p>24 A. No. PowerPoints. I recall PowerPoints,</p> <p>25 pamphlets, stuff like -- not pamphlets -- handouts.</p>
<p style="text-align: right;">35</p> <p>1 regarding the possibility of being sued for civil</p> <p>2 rights violations if you used excessive force?</p> <p>3 MR. ORTEGA: Objection, vague.</p> <p>4 A. I'm sorry. Can you rephrase the question,</p> <p>5 sir.</p> <p>6 Q. (By Mr. Gage) What did they say were the ways</p> <p>7 you could be sued for a civil rights violation?</p> <p>8 MR. ORTEGA: Objection, vague.</p> <p>9 MR. JIM DARNELL: Same objection.</p> <p>10 A. I don't recall, sir.</p> <p>11 Q. (By Mr. Gage) When you went through the risks</p> <p>12 of being sued in this training, were you told it could</p> <p>13 also result in a lawsuit, at least against the</p> <p>14 employer, for Constitutional violations like the</p> <p>15 Fourth, Eighth or Fourteenth Amendments?</p> <p>16 MR. ORTEGA: Objection, vague, lack of</p> <p>17 foundation, calls for a legal conclusion.</p> <p>18 MR. JIM DARNELL: Same objection.</p> <p>19 A. You're asking if I was told or was I trained</p> <p>20 in that?</p> <p>21 Q. (By Mr. Gage) Either.</p> <p>22 A. Just like I said before, that the entity could</p> <p>23 be liable for that since I'm part of them.</p> <p>24 Q. You were taught about searches and seizures.</p> <p>25 Correct?</p>	<p style="text-align: right;">37</p> <p>1 Q. Now you're giving us the methods, PowerPoints,</p> <p>2 pamphlets and handouts. What did those PowerPoints,</p> <p>3 pamphlets or handouts say?</p> <p>4 A. I don't remember all of them, sir.</p> <p>5 Q. Do you remember anything that you learned</p> <p>6 about search and seizure from any of your agencies that</p> <p>7 taught you about it?</p> <p>8 A. Yes, that if you violate some- -- well, you</p> <p>9 can't just -- you can't just stop anybody on the street</p> <p>10 and -- without any -- any justification.</p> <p>11 Q. Is that the extent of what you can recall?</p> <p>12 A. Yes, sir.</p> <p>13 Q. What is a Level 3 security guard license?</p> <p>14 A. It's -- to my recollection it's a license that</p> <p>15 you have to get that's issued by the State of Texas in</p> <p>16 order to work as a security guard anywhere in the state</p> <p>17 of Texas.</p> <p>18 Q. The training to become a security guard is</p> <p>19 considerably less than the training to become a police</p> <p>20 officer to your understanding. Correct?</p> <p>21 MR. ORTEGA: Objection, vague.</p> <p>22 A. From my recollection, yes.</p> <p>23 Q. (By Mr. Gage) How many different classes did</p> <p>24 you take at the colleges to get your Level 3 security</p> <p>25 guard license?</p>

<p>38</p> <p>1 A. I don't remember the amount of classes, but it</p> <p>2 was in a week span.</p> <p>3 Q. All right. So the training that was provided</p> <p>4 to you by G4S through the Mission Valley Community</p> <p>5 College lasted an entire week. Correct?</p> <p>6 A. To my recollection, yes.</p> <p>7 Q. About how many hours per day did you go to</p> <p>8 these training sessions during this exhaustive one-week</p> <p>9 session?</p> <p>10 MR. ORTEGA: Object to sidebar.</p> <p>11 MR. JIM DARNELL: Object to sidebar.</p> <p>12 Q. (By Mr. Gage) How many hours per day you did</p> <p>13 take -- spend for this class at the college?</p> <p>14 A. If I remember correctly, it was eight.</p> <p>15 Q. Eight hours?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Did you go through any kind of a test with G4S</p> <p>18 to demonstrate your proficiencies and knowledge?</p> <p>19 A. The community college provided the testing.</p> <p>20 Q. Did G4S provide you any testing is my</p> <p>21 question?</p> <p>22 A. Not to my recollection, no, sir.</p> <p>23 Q. Did you provide any tests to G4S that you took</p> <p>24 at the community college so they could review it and</p> <p>25 confirm your qualifications?</p>	<p>40</p> <p>1 fine. Correct?</p> <p>2 A. Yes, sir.</p> <p>3 Q. You worked from when to when for G4S?</p> <p>4 A. I believe late September of 2012 to</p> <p>5 July 2013.</p> <p>6 Q. Why you did leave in July 2013?</p> <p>7 A. Because I started the police academy in</p> <p>8 July 2013.</p> <p>9 Q. Which police academy?</p> <p>10 A. El Paso Police Academy. I'm sorry.</p> <p>11 Q. During what times you did go through the</p> <p>12 El Paso Police Academy?</p> <p>13 A. From July 2013 to my graduation date of</p> <p>14 February -- February 10th, 2014.</p> <p>15 Q. Typically when someone goes through the</p> <p>16 El Paso Police Academy, that's because they're going to</p> <p>17 get a job working as a police officer. Correct?</p> <p>18 A. That's correct.</p> <p>19 Q. Did you get a job working as an El Paso police</p> <p>20 officer?</p> <p>21 A. Yes, sir, I graduated.</p> <p>22 Q. And when did you work for the El Paso PD?</p> <p>23 A. I officially became a police officer</p> <p>24 February -- yeah -- February 2014 and I lasted there</p> <p>25 from February 2014 to August 2014.</p>
<p>39</p> <p>1 A. I assume the college forwarded all that</p> <p>2 information to G4S.</p> <p>3 MR. GAGE: Move to strike, nonresponsive.</p> <p>4 Q. (By Mr. Gage) Based on your personal</p> <p>5 knowledge, did G4S ever look at any of your testing to</p> <p>6 see your knowledge, skills or abilities?</p> <p>7 MR. JIM DARNELL: Object, calls for</p> <p>8 speculation.</p> <p>9 MR. ORTEGA: Same objection and vague.</p> <p>10 A. I do not -- I do not know if G4S took a look</p> <p>11 at those records.</p> <p>12 Q. (By Mr. Gage) Did you provide any of your</p> <p>13 test results to G4S personally?</p> <p>14 A. No, sir, I did not. That was all provided by</p> <p>15 the community college.</p> <p>16 Q. Did G4S ask you about any of your test</p> <p>17 results?</p> <p>18 A. They asked me how it went.</p> <p>19 Q. What you did say?</p> <p>20 A. If I remember correctly, I would have said --</p> <p>21 I said something like, "It went well." We were</p> <p>22 there -- that's all I -- that's what I can remember.</p> <p>23 Q. All right. So the communications between you</p> <p>24 and G4S about your skills and abilities consisted of</p> <p>25 them asking you how it went and your saying it went</p>	<p>41</p> <p>1 Q. What happened then?</p> <p>2 A. I resigned.</p> <p>3 Q. Why you did resign?</p> <p>4 A. Because I got a job with the DHS, sir.</p> <p>5 Q. What's DHS?</p> <p>6 A. Department of Homeland Security.</p> <p>7 Q. Had you made it through probation at the time</p> <p>8 you resigned?</p> <p>9 A. With the police department? No, I was still</p> <p>10 on probation.</p> <p>11 Q. Was it a voluntary resignation or involuntary</p> <p>12 one?</p> <p>13 A. It was a voluntary, sir.</p> <p>14 Q. Did you have any internal affairs complaints</p> <p>15 or investigations against you when you resigned?</p> <p>16 A. No, sir.</p> <p>17 Q. Did you ever have a complaint against you in</p> <p>18 any law enforcement agency?</p> <p>19 A. Yes, sir, with my current job.</p> <p>20 Q. What happened there?</p> <p>21 A. It was at U.S. Customs and Border Protection,</p> <p>22 they were saying -- this lady said that I broke her --</p> <p>23 her LPR card, her I 551.</p> <p>24 Q. What is that?</p> <p>25 A. It's a lawful permanent resident card. And</p>

<p>42</p> <p>1 she -- she made the allegation that I broke it on 2 purpose.</p> <p>3 Q. What happened in that allegation?</p> <p>4 A. It was unfounded.</p> <p>5 Q. When did that happen?</p> <p>6 A. When did it happen?</p> <p>7 Q. Yes.</p> <p>8 A. Sometime in 2015, sir. I don't recall.</p> <p>9 Q. Was her card broken?</p> <p>10 A. It was broken, yes.</p> <p>11 Q. Even though you had training in the past in 12 law enforcement, including through G4S, when you went 13 to the El Paso Police Academy, the department 14 determined you needed to go through training between 15 July 2013 and February 2014. Correct?</p> <p>16 A. Yes. Because it's part of their training, 17 yes.</p> <p>18 Q. In other words the El Paso Police Department 19 did not say, "Well, gee, you've had all this training 20 in the past with G4S and other agencies, therefore you 21 know everything that you need to know to work with the 22 police department so we're going to waive that 23 training." Did they do something like that?</p> <p>24 A. No, we had to go through the training.</p> <p>25 Q. Did you ever talk with the police chief</p>	<p>44</p> <p>1 emotion, sir, but I don't know what that person's 2 thinking at the time.</p> <p>3 Q. (By Mr. Gage) I'm going to ask you a 4 hypothetical question here. Do you believe if someone, 5 the same person, wants to run away from you, it's 6 easier for them to run away from you if they're in a 7 locked location, kind of like this conference room if 8 all the doors were locked, than if they were outside on 9 the street?</p> <p>10 MR. ORTEGA: Objection, vague, calls for 11 speculation.</p> <p>12 A. Like I said it depends on that person and -- 13 and -- and I'm not in their head, I don't know they're 14 thinking, so they can attempt to run out of this place 15 if they wanted to also versus being outside.</p> <p>16 Q. (By Mr. Gage) So you don't think -- do you 17 believe it's easier for a person if they're inside of a 18 jail cell locked in to flee or if they're out on the 19 street to flee when you're escorting them?</p> <p>20 MR. ORTEGA: Objection, calls for 21 speculation.</p> <p>22 A. I'm not sure, sir.</p> <p>23 Q. (By Mr. Gage) You're not sure.</p> <p>24 A. No.</p> <p>25 Q. Did anybody ever teach you the purpose of</p>
<p>43</p> <p>1 regarding your training and experience, that is, the 2 El Paso police chief?</p> <p>3 A. No, sir, I never recall -- I never talked to 4 him about it.</p> <p>5 Q. You knew that taking a prisoner outside of the 6 jail would increase the risk that prisoner could flee 7 from when they were inside of the jail. Correct?</p> <p>8 MR. ORTEGA: Objection, vague, calls for 9 speculation.</p> <p>10 A. No, sir. It just depends on the situation. I 11 don't know if they're going to flee or not.</p> <p>12 Q. (By Mr. Gage) You have not been told any 13 kinds of signs to see if a person might flee or not 14 when they're a prisoner. Is that your testimony?</p> <p>15 A. No, I don't recall, sir.</p> <p>16 Q. You don't recall ever being taught that.</p> <p>17 Correct?</p> <p>18 A. That's correct.</p> <p>19 Q. So when you're escorting a prisoner, you don't 20 know any signs or cues that would help to tell you if 21 someone's about to flee or not, do you?</p> <p>22 MR. ORTEGA: Objection, vague, calls for 23 speculation.</p> <p>24 A. I don't know what that person's thinking at 25 the time. So they could display a different type of</p>	<p>45</p> <p>1 putting somebody who is a flight risk into a locked 2 location as opposed to leaving them out on the streets 3 unlocked?</p> <p>4 MR. ORTEGA: Objection, vague.</p> <p>5 A. Yes, sir.</p> <p>6 Q. (By Mr. Gage) What do they tell you?</p> <p>7 A. If the person's under arrest or detained, they 8 have to be in a secured location.</p> <p>9 Q. Why you did understand that was a requirement?</p> <p>10 A. To further the investigation of that person, 11 the questioning and -- because obviously they're not 12 free to leave until said otherwise.</p> <p>13 Q. That's the only purpose --</p> <p>14 A. I'm sorry?</p> <p>15 Q. -- that you're --</p> <p>16 That's the only purpose you're aware of 17 to keep a person locked up is so it can help you with 18 the investigation. Correct?</p> <p>19 A. Or the questioning of that person.</p> <p>20 Q. How tall are you?</p> <p>21 A. I'm about five-seven, five-eight, sir.</p> <p>22 Q. How much do you weigh?</p> <p>23 A. Right now I weigh approximately 185, 190.</p> <p>24 Q. Do you ever weight lift?</p> <p>25 A. I do not.</p>

<p style="text-align: right;">46</p> <p>1 Q. Do you work out at all?</p> <p>2 A. About maybe two, three times a month.</p> <p>3 Q. What do you do?</p> <p>4 A. I run, calisthenics.</p> <p>5 Q. Have you ever received any training in</p> <p>6 self-defense?</p> <p>7 A. Yes, sir, I have.</p> <p>8 Q. What have you received?</p> <p>9 A. It's -- how to get -- how to tactically fall</p> <p>10 if you're being rushed by a sus- -- a subject, how to</p> <p>11 get -- how to get away from them and then bring it to a</p> <p>12 logical conclusion.</p> <p>13 Q. Who taught you that?</p> <p>14 A. This is Department of Homeland Security, sir.</p> <p>15 Q. Is that the first time you received any</p> <p>16 training like that?</p> <p>17 A. And my previous trainings as well, El Paso</p> <p>18 Police Department, Dona Ana County and G4S.</p> <p>19 Q. What was the self-defense training that you</p> <p>20 received from G force itself -- G4S itself?</p> <p>21 A. How to escape the grapplings of a subject if</p> <p>22 they're on you or if they have ahold of you somehow,</p> <p>23 just try to get away from that person as fast as you</p> <p>24 can and just -- and bringing the situation under</p> <p>25 control.</p>	<p style="text-align: right;">48</p> <p>1 Q. Did G4S ever tell you when you were allowed to</p> <p>2 engage in deadly force?</p> <p>3 A. According to the policies that they had, it</p> <p>4 was only in -- in situations where either my life or</p> <p>5 the life of an officer or someone else's life was in</p> <p>6 danger.</p> <p>7 Q. Did you provide a witness statement on</p> <p>8 March 8th, 2013?</p> <p>9 A. Yes, I did.</p> <p>10 Q. Was that statement truthful and correct in all</p> <p>11 manners?</p> <p>12 A. Yes, that's correct.</p> <p>13 Q. Was it your intent to include all important</p> <p>14 information in your statement?</p> <p>15 A. That is correct.</p> <p>16 Q. One of the important things that you would</p> <p>17 want to include in your statement is the amount of</p> <p>18 force you used. Correct?</p> <p>19 A. That is correct.</p> <p>20 Q. You would want to indicate injuries that your</p> <p>21 prisoner received. Correct?</p> <p>22 A. That's correct.</p> <p>23 Q. You would want to include your knowledge of</p> <p>24 how those injuries occurred. Right?</p> <p>25 A. That's correct.</p>
<p style="text-align: right;">47</p> <p>1 Q. You told us a few moments ago that you could</p> <p>2 not get into the mind of a person. I take it, then,</p> <p>3 you never believed that Daniel Saenz was going to run</p> <p>4 away or try to escape. Is that a true statement?</p> <p>5 A. Well, I don't know what that person was</p> <p>6 thinking. I just know he wanted to get away from us.</p> <p>7 Q. You told us you don't know what's in the mind</p> <p>8 of anybody so you don't know when they're going to try</p> <p>9 to flee or not. Remember that testimony?</p> <p>10 A. That's correct, yes.</p> <p>11 Q. So that testimony that you said as to everyone</p> <p>12 else applied to Daniel as well. Correct?</p> <p>13 MR. ORTEGA: Objection, vague, assumes</p> <p>14 facts not in evidence.</p> <p>15 Q. (By Mr. Gage) You can answer.</p> <p>16 A. It could apply to him.</p> <p>17 Q. Right. So you had no knowledge or</p> <p>18 understanding at any time that Daniel Saenz was going</p> <p>19 to try to flee or escape. True?</p> <p>20 MR. ORTEGA: At what point?</p> <p>21 Q. (By Mr. Gage) Any point.</p> <p>22 A. Like I said before, I don't know what he was</p> <p>23 thinking, but his actions gave me some indication.</p> <p>24 Q. But you weren't sure. Correct?</p> <p>25 A. No, I wasn't sure.</p>	<p style="text-align: right;">49</p> <p>1 Q. You would also want to include the</p> <p>2 justification for any force that you used on a</p> <p>3 prisoner. True?</p> <p>4 A. That's correct.</p> <p>5 Q. You'd want to include the justification of any</p> <p>6 force used by others in your presence on the prisoner.</p> <p>7 Correct?</p> <p>8 A. That's correct.</p> <p>9 Q. Did you ever put into your March 8th statement</p> <p>10 that was true, complete and correct, any justification</p> <p>11 for Officer Flores using deadly force on Daniel Saenz?</p> <p>12 A. I did not.</p> <p>13 Q. The reason you did not put in any such</p> <p>14 justification is you did not see any justification for</p> <p>15 Officer Flores using deadly force on Daniel Saenz at</p> <p>16 the time he used it. True?</p> <p>17 A. I don't know what Mr. Flores was thinking at</p> <p>18 the time, sir, so I can't say if he was justified or</p> <p>19 not.</p> <p>20 Q. If you had seen items that justified the use</p> <p>21 of deadly force when Flores pulled the trigger, you had</p> <p>22 an obligation to write that in your report. True?</p> <p>23 MR. ORTEGA: Objection, calls for</p> <p>24 speculation, vague.</p> <p>25 A. What items are you talking about, sir?</p>

<p>50</p> <p>1 Q. (By Mr. Gage) Anything. Anything that you 2 saw on the sally port that would justify deadly force 3 by Flores, you understood you were supposed to put into 4 your witness statement. True?</p> <p>5 MR. ORTEGA: Objection, lack of 6 foundation, vague.</p> <p>7 A. I would only put into my statement what my -- 8 what I saw.</p> <p>9 Q. (By Mr. Gage) Of course.</p> <p>10 A. Yes.</p> <p>11 Q. If you saw something -- as an example, if you 12 saw that Daniel Saenz had a baseball bat and was 13 swinging it at Flores' head the second before Flores 14 shot him, that would be something you would want to put 15 in your report because it would show a use of 16 potentially deadly force justifying a shooting. Right?</p> <p>17 A. That's correct.</p> <p>18 Q. In the case of Mr. Flores and Daniel Saenz, 19 you did not put down any information that you saw that 20 Daniel Saenz was engaging in to justify him being 21 killed. Isn't that a true statement?</p> <p>22 MR. ORTEGA: Mr. Romero, I'll caution you 23 to answer if you could recall. For the record you 24 don't have that statement that plaintiff's counsel is 25 referring to. If you could recall, answer the</p>	<p>52</p> <p>1 enough recollection of what happened on March 8th, 2 2013, to say whether there was a fact that would 3 justify Flores using deadly force on Mr. Saenz when he 4 shot him. Correct?</p> <p>5 A. That happened a long time ago, sir, four years 6 to be exact, but it happened a long time ago so I don't 7 remember everything, I'd have to look at the statement.</p> <p>8 Q. I just want to --</p> <p>9 MR. GAGE: I move to strike as 10 nonresponsive.</p> <p>11 I'll have my question read back. 12 (The Court Reporter read back: Let's 13 make sure we're clear here. It's your 14 testimony that you do not have enough 15 recollection of what happened on March 16 8th, 2013, to say whether there was a 17 fact that would justify Flores using 18 deadly force on Mr. Saenz when he shot 19 him. Correct?)</p> <p>20 A. No, sir, I don't recall.</p> <p>21 Q. (By Mr. Gage) All right. So the only 22 information that you can testify to here today about 23 what happened on the sally port between yourself and 24 Mr. Flores and Mr. Saenz is that information that 25 you've put into your written statement. Correct?</p>
<p>51</p> <p>1 question. If not, answer freely.</p> <p>2 MR. GAGE: I think that's an improper 3 instruction. We'll mark that.</p> <p>4 Q. (By Mr. Gage) And please answer my question.</p> <p>5 A. Can you repeat the question, please.</p> <p>6 (The Court Reporter read back: In the 7 case of Mr. Flores and Daniel Saenz you 8 did not put down any information that you 9 saw that Daniel Saenz was engaging in to 10 justify him being killed. Isn't that a 11 true statement?)</p> <p>12 A. I do not recall, sir, I'd have to see the 13 statement in front of me to make sure.</p> <p>14 Q. (By Mr. Gage) You don't recall any facts 15 sitting here today either that would justify the use of 16 deadly force. Isn't that true?</p> <p>17 A. I would have to see the statement that you're 18 talking about and then --</p> <p>19 Q. I'm not asking you about your statement. I'm 20 asking you about the day in question.</p> <p>21 MR. ORTEGA: He's answering your 22 question. He's telling you he can't answer unless he's 23 got the statement, he can't recall.</p> <p>24 Q. (By Mr. Gage) Okay. So let's make sure we're 25 clear here. It's your testimony that you do not have</p>	<p>53</p> <p>1 A. That's correct.</p> <p>2 Q. Because outside of reading your statement, 3 your mind is basically a blank on what happened that 4 day. True?</p> <p>5 A. No, sir, but as I mentioned before, it 6 happened a long time ago.</p> <p>7 Q. I understand. So is it true that your mind is 8 a blank now -- because it's been a few years -- you 9 just can't recall anything that happened that day other 10 than whatever you wrote down?</p> <p>11 A. I recall events of that day, yes, but I do not 12 recall every little detail about the event, no, sir.</p> <p>13 Q. Well, let's focus on the time frame after you 14 are outside on the sally port with Daniel Saenz, it's 15 just the two of you out there. Do you have any 16 recollection of that happening?</p> <p>17 MR. ORTEGA: This is after the exit at 18 the jail. Correct?</p> <p>19 MR. GAGE: Correct.</p> <p>20 A. Yes.</p> <p>21 Q. (By Mr. Gage) You do remember some parts of 22 that.</p> <p>23 A. Yes, I do.</p> <p>24 Q. I want you to tell me in as much detail as you 25 can recall the events that happened in sequence.</p>

<p>54</p> <p>1 You're outside, Daniel Saenz is outside.</p> <p>2 Is he standing, sitting or lying down?</p> <p>3 A. He's sitting with his -- with his back against</p> <p>4 my knees.</p> <p>5 Q. Okay. And what are you doing?</p> <p>6 A. I'm standing over him just with my hands on</p> <p>7 his -- on his shoulders keeping him balanced, that way</p> <p>8 he doesn't tip over. I'm trying to catch my breath at</p> <p>9 the time because I was pretty exhausted, I was -- my --</p> <p>10 I remember having a hard time catching my breath and</p> <p>11 breathing. I was heavily breathing [sic]. I was</p> <p>12 wiping the sweat off of my -- my forehead and at the</p> <p>13 same time, I was trying to keep Mr. Saenz just with his</p> <p>14 back against my knees, that way he doesn't fall over to</p> <p>15 the side.</p> <p>16 Q. Did it appear to you that Mr. Saenz was</p> <p>17 unconscious?</p> <p>18 A. No, it did not.</p> <p>19 Q. Why were you concerned if he's conscious that</p> <p>20 he was going to fall over?</p> <p>21 A. Because he kept tipping over, sir.</p> <p>22 Q. Did you say anything to him?</p> <p>23 A. I don't recall, sir.</p> <p>24 Q. You don't recall saying anything to Daniel.</p> <p>25 Is that correct?</p>	<p>56</p> <p>1 slouching to the side.</p> <p>2 Q. What happened next?</p> <p>3 A. At that point Officer Flores came out after</p> <p>4 retrieving his equipment and we were both communicating</p> <p>5 and we knelt down next to Mr. Saenz. At that point</p> <p>6 when I knelt down his back was kind of against my chest</p> <p>7 and my inner part of my thigh to keep him upright.</p> <p>8 Q. How were you and Flores communicating?</p> <p>9 A. Verbally, we were talking.</p> <p>10 Q. What were you saying?</p> <p>11 A. If I remember correctly, Mr. Flores was</p> <p>12 telling me that we had to -- we were going to wait</p> <p>13 for -- we were going to have to get a medical release</p> <p>14 for Mr. Saenz. And in between Mr. Flores was telling</p> <p>15 Mr. Saenz, you know, "Hey, buddy," you know, "you've</p> <p>16 got to calm down, relax and cooperate with us."</p> <p>17 And then he told me, "We're going to</p> <p>18 stand him up so we can pull his pants up and get him</p> <p>19 ready for a transport."</p> <p>20 Q. When Flores said, "You've got to calm down,</p> <p>21 relax and cooperate," was Daniel Saenz calm at that</p> <p>22 point?</p> <p>23 A. He wasn't saying anything, he was -- I</p> <p>24 remember that he looked up at me like this and then put</p> <p>25 his head back down, but he wasn't --</p>
<p>55</p> <p>1 A. That's correct.</p> <p>2 Q. Did Daniel say anything to you?</p> <p>3 A. No, he did not.</p> <p>4 Q. After the two of you are in the sally port</p> <p>5 with your knees in his back, what happened next?</p> <p>6 In fact let me go back a moment. You had</p> <p>7 your knees in his back when it was just the two of you</p> <p>8 there. Correct?</p> <p>9 A. My knees weren't in his back. His back was</p> <p>10 resting against my knees.</p> <p>11 Q. His back against your knees. Correct?</p> <p>12 A. Yes.</p> <p>13 Q. Were you exerting any kind of pressure with</p> <p>14 your knees on him?</p> <p>15 A. I was not. He was just -- he was, like I</p> <p>16 said, just -- I don't want to say relaxing, but his</p> <p>17 back was just against my knees, it was no pressure at</p> <p>18 all.</p> <p>19 Q. You did need to exert some pressure so that he</p> <p>20 could stay balanced and upright?</p> <p>21 A. Not from my knees, just my hands to keep him</p> <p>22 upright.</p> <p>23 Q. Were your hands exerting some kind of</p> <p>24 pressure?</p> <p>25 A. Enough to keep him from tipping over or</p>	<p>57</p> <p>1 Q. So he was calm?</p> <p>2 A. He was calm, yes.</p> <p>3 Q. He was relaxed. Correct?</p> <p>4 A. I would say yes.</p> <p>5 Q. In fact he was so relaxed, you had to exert at</p> <p>6 least a little bit of pressure with your knees and your</p> <p>7 hands to keep him from falling over. True?</p> <p>8 MR. ORTEGA: Objection, mischaracterizes</p> <p>9 the witness' testimony. He told you he didn't exert</p> <p>10 any pressure with his knees.</p> <p>11 MR. GAGE: That's an improper objection.</p> <p>12 Q. (By Mr. Gage) You can answer.</p> <p>13 A. I did not exert any pressure with my knees at</p> <p>14 all on his back.</p> <p>15 Q. In fact your knees weren't even touching his</p> <p>16 back. Is that correct?</p> <p>17 A. No, they -- they were in contact with each</p> <p>18 other, I just wasn't using any pressure at all to keep</p> <p>19 him upright, it was all with my -- my hands.</p> <p>20 Q. Well, if his back was touching your knees,</p> <p>21 there would be some pressure. It might have been</p> <p>22 slight, but there would be at least a little pressure.</p> <p>23 True?</p> <p>24 A. His back against mine, mine not against his.</p> <p>25 Q. Still there's pressure in that situation,</p>

<p>58</p> <p>1 isn't there?</p> <p>2 A. Slight pressure.</p> <p>3 Q. All right. So my question stands. At the</p> <p>4 time that Flores was telling you that -- withdraw.</p> <p>5 At the time that Flores was telling Saenz</p> <p>6 that he needed to relax, Saenz was so relaxed that you</p> <p>7 were putting at least a little bit of pressure between</p> <p>8 his back and your knees and your arm -- hands on his</p> <p>9 shoulders. True?</p> <p>10 A. Once again, sir, I did not put any pressure on</p> <p>11 his back. It was all -- it was -- his back was in</p> <p>12 contact with my knees and no -- no pressure was applied</p> <p>13 to his back with my knees.</p> <p>14 Q. Not even a tiny bit?</p> <p>15 MR. ORTEGA: Objection, asked and</p> <p>16 answered.</p> <p>17 A. Like I said, sir, his back was in contact with</p> <p>18 my knees, no pressure was applied.</p> <p>19 Q. (By Mr. Gage) Not even a tiny little</p> <p>20 pressure. Is that your testimony now?</p> <p>21 MR. ORTEGA: Objection, asked and</p> <p>22 answered.</p> <p>23 Q. (By Mr. Gage) Go ahead.</p> <p>24 A. I do not recall, sir.</p> <p>25 Q. So when you say you don't recall that's you</p>	<p>60</p> <p>1 Q. Indeed, you were left alone in the sally port</p> <p>2 with Daniel by Flores for a few minutes. Correct?</p> <p>3 A. That is correct.</p> <p>4 Q. Did you feel any kind of fear being left alone</p> <p>5 in the sally port with Daniel for a few minutes while</p> <p>6 Flores was inside the jail?</p> <p>7 A. I did, sir.</p> <p>8 Q. Did you tell anybody about that fear?</p> <p>9 A. I did later on in the grand jury -- yeah, the</p> <p>10 grand jury testimony.</p> <p>11 Q. What you did say?</p> <p>12 A. If I remember correctly, I told them that what</p> <p>13 I was experiencing that day as far as me being</p> <p>14 concerned with him -- with me being alone with him</p> <p>15 after having struggled with him and that I was thinking</p> <p>16 if he does -- if he attempts to do something against</p> <p>17 me, it's just going to be me against him.</p> <p>18 Q. Was that the first time you ever expressed</p> <p>19 such fear?</p> <p>20 A. I believe I may have expressed it at the</p> <p>21 shooting review and the mediation on later -- later</p> <p>22 dates.</p> <p>23 Q. What mediation?</p> <p>24 A. The -- I don't recall the date. I think it</p> <p>25 was September of 2016 -- 2015. I'm sorry.</p>
<p>59</p> <p>1 don't recall if there was pressure between your knees</p> <p>2 and his back. Is that what you're saying?</p> <p>3 A. Yes, sir, I don't recall.</p> <p>4 Q. With respect to -- at the time that Flores was</p> <p>5 telling Daniel to relax, Daniel was so relaxed you were</p> <p>6 trying to keep him from falling over. Correct?</p> <p>7 MR. ORTEGA: Objection, calls for</p> <p>8 speculation.</p> <p>9 A. I don't know if he was relaxed or not, I just</p> <p>10 remember he was -- his back was against my knees and my</p> <p>11 hands were on his shoulders in an attempt to keep him</p> <p>12 upright and have him -- from having him fall over to</p> <p>13 the side.</p> <p>14 Q. (By Mr. Gage) Daniel appeared relaxed at the</p> <p>15 time that Flores came out and said for him to relax.</p> <p>16 True?</p> <p>17 A. I would assume he was relaxed.</p> <p>18 Q. Daniel was cooperating with you while you were</p> <p>19 out there with him and Flores. Correct?</p> <p>20 A. He was just sitting there, he didn't say much</p> <p>21 or do much.</p> <p>22 Q. He just sat there and sort of started tipping</p> <p>23 over. He wasn't fighting, yelling, screaming, running,</p> <p>24 anything of that sort, was he?</p> <p>25 A. That's correct.</p>	<p>61</p> <p>1 Q. Where was this mediation?</p> <p>2 A. Here in El Paso.</p> <p>3 MR. ORTEGA: Are you thinking mediation</p> <p>4 or arbitration?</p> <p>5 THE WITNESS: I'm sorry. Arbitration.</p> <p>6 A. Yes, arbitration.</p> <p>7 Q. (By Mr. Gage) Whose arbitration? Flores'?</p> <p>8 A. That's correct.</p> <p>9 Q. Do you have a copy of your grand jury</p> <p>10 testimony?</p> <p>11 A. I do not, sir.</p> <p>12 Q. When have you last looked at it?</p> <p>13 A. I have never looked at it.</p> <p>14 Q. Did you review any documents to prepare for</p> <p>15 your deposition today?</p> <p>16 A. Yes, I did, sir.</p> <p>17 Q. What you did look at?</p> <p>18 A. I looked at the statement I gave -- I provided</p> <p>19 to the -- to Detective Lozano at CAP for the El Paso</p> <p>20 Police Department.</p> <p>21 Q. That's the March 8th statement that you said</p> <p>22 you needed to look at because you can't remember</p> <p>23 anything from it. Correct?</p> <p>24 A. That's correct.</p> <p>25 Q. Okay. What else you did review?</p>

<p>62</p> <p>1 A. I also reviewed the -- some questioning and</p> <p>2 statements that were asked by internal affairs while I</p> <p>3 was a police officer regarding that incident on</p> <p>4 March 8th.</p> <p>5 Q. El Paso PD?</p> <p>6 A. That's correct.</p> <p>7 Q. Did those documents help refresh your</p> <p>8 recollection for your testimony here today?</p> <p>9 A. Somewhat, yes, sir.</p> <p>10 Q. When did you look at your statements by</p> <p>11 internal affairs from El Paso PD?</p> <p>12 A. When did I look at them?</p> <p>13 Q. Yes.</p> <p>14 A. It must have been in the last 72 hours.</p> <p>15 Q. So within the past --</p> <p>16 A. I'm sorry. No -- yeah, 72 hours.</p> <p>17 Q. Within the past three days. Correct?</p> <p>18 A. That's correct.</p> <p>19 Q. How much time you did spend reading that</p> <p>20 statement?</p> <p>21 A. I don't remember, sir.</p> <p>22 Q. Did you spend more or less than five hours</p> <p>23 total reading that statement?</p> <p>24 A. I'm sorry?</p> <p>25 Q. Did you spend more or less than a total of</p>	<p>64</p> <p>1 thing from that March 8th statement. Correct?</p> <p>2 MR. ORTEGA: Objection, mischaracterizes</p> <p>3 the witness' testimony.</p> <p>4 MR. JIM DARNELL: Same objection.</p> <p>5 A. No, sir, I didn't say that I don't remember</p> <p>6 anything about that statement.</p> <p>7 Q. (By Mr. Gage) Tell us, what do you recall</p> <p>8 about the questions and statements that you gave to</p> <p>9 internal affairs that you reviewed the last three days?</p> <p>10 A. All of the questions you want me to tell you?</p> <p>11 Q. Whatever you can recall, if anything.</p> <p>12 A. I believe one of the questions was what was</p> <p>13 the communication between me and Officer Flores and did</p> <p>14 he -- what was the communication between him and I.</p> <p>15 The other question was after I felt --</p> <p>16 oh, that if -- in my statement I said that I was kicked</p> <p>17 by Saenz. They asked me if that was an accurate</p> <p>18 statement. I said no, that was not an accurate</p> <p>19 statement after -- after viewing of the video that they</p> <p>20 provided that day, sir, of the event.</p> <p>21 And, also, they asked me to provide any</p> <p>22 other information regarding that event and, yes, I</p> <p>23 provided some information saying that Mr. Flores --</p> <p>24 Mr. Saenz was -- when he was on the ground, he was</p> <p>25 attempting to bash his head on the ground and I put my</p>
<p>63</p> <p>1 five hours reading that statement in the past three</p> <p>2 days?</p> <p>3 A. I'd have to say less.</p> <p>4 Q. When did you last most recently look at the</p> <p>5 March 8, 2013, statement that you testified to you</p> <p>6 couldn't recall anything about here today?</p> <p>7 A. The day before yesterday, sir.</p> <p>8 Q. So within the past two days, you spent how</p> <p>9 much time looking at that March 8, 2013, statement of</p> <p>10 yours that you've told us you can't remember anything</p> <p>11 about here today?</p> <p>12 A. I'm not sure, sir. Between an hour, hour and</p> <p>13 a half.</p> <p>14 Q. You read it carefully. Right?</p> <p>15 A. Yes, sir.</p> <p>16 Q. You wanted to make sure you recalled events</p> <p>17 from it so that you could give your best testimony here</p> <p>18 today. True?</p> <p>19 A. That's correct, sir.</p> <p>20 Q. It was important for you to know the contents</p> <p>21 of that statement of yours before testifying here</p> <p>22 today. True?</p> <p>23 A. That's correct.</p> <p>24 Q. Nevertheless, it's your testimony under</p> <p>25 penalty of perjury that you can't remember a single</p>	<p>65</p> <p>1 hand -- my right hand underneath his head to further</p> <p>2 prevent injury to his head and then at that time, I had</p> <p>3 to remove it because he started biting my fingers.</p> <p>4 Q. Did Flores tell you to do that or did you do</p> <p>5 that on your own?</p> <p>6 A. It was -- it was by Flores, sir.</p> <p>7 Q. So he instructed you to put your hand under</p> <p>8 the head?</p> <p>9 A. That's correct.</p> <p>10 Q. Did you say that in your statement that you</p> <p>11 were instructed by Flores?</p> <p>12 A. Not in my March 8th statement, no.</p> <p>13 Q. You were asked about the communication between</p> <p>14 you and Flores. What did you say?</p> <p>15 A. That when he was sitting down, he was --</p> <p>16 before he told me to stand -- we were going to stand</p> <p>17 him up to -- to get his pants up and get him ready for</p> <p>18 transport, he said, "Watch out." Just watch out</p> <p>19 because he knows what he's doing, because the -- the</p> <p>20 whole time we were transporting him or during the jail,</p> <p>21 he -- he was being uncooperative and being combative</p> <p>22 with us, sir.</p> <p>23 Q. The entire time from the time you started your</p> <p>24 transport all the way until the time he was shot was</p> <p>25 Daniel Saenz being uncooperative and combative?</p>

<p>66</p> <p>1 A. That's correct, sir.</p> <p>2 Q. Was Daniel Saenz being uncooperative and</p> <p>3 combative when Flores left you alone with him?</p> <p>4 A. No, not that point, sir.</p> <p>5 Q. So then your statement that Flores --</p> <p>6 withdraw.</p> <p>7 Your statement that Daniel Saenz was</p> <p>8 uncooperative and combative the entire time was an</p> <p>9 exaggeration?</p> <p>10 MR. ORTEGA: Objection, argumentative.</p> <p>11 A. I wouldn't say it was an exaggeration. I</p> <p>12 might have -- it was most of the time during the</p> <p>13 transportation, sir.</p> <p>14 Q. (By Mr. Gage) Your statement that</p> <p>15 Daniel Saenz was uncooperative and combative the entire</p> <p>16 time is not a true statement, was it?</p> <p>17 A. When I said the entire part, no.</p> <p>18 Q. So you told various individuals that you were</p> <p>19 afraid when Flores left you alone with Daniel. You</p> <p>20 remember that testimony?</p> <p>21 A. That's correct.</p> <p>22 Q. Did you ever tell Flores, "Don't leave me</p> <p>23 alone," or, "I need backup," something like that?</p> <p>24 A. I did not, sir.</p> <p>25 Q. Did you tell Flores, "I'm afraid if I'm going</p>	<p>68</p> <p>1 It was once he walked into the jail, he said he was</p> <p>2 going to get his -- his items, his equipment, I -- I --</p> <p>3 I knew I was going to be alone out there with him.</p> <p>4 Q. Did you say anything to him when he said that?</p> <p>5 A. I did not, sir, no.</p> <p>6 Q. Did you --</p> <p>7 A. I said, "Okay."</p> <p>8 Q. So you said that was okay.</p> <p>9 A. Well, I said as in being affirming, "Okay,</p> <p>10 I'm" --</p> <p>11 Q. At that point you never told Flores, "Gee, I'm</p> <p>12 afraid to be left alone with this man," something like</p> <p>13 that, did you?</p> <p>14 A. I did not.</p> <p>15 Q. So you told us that Flores came out and wanted</p> <p>16 to pull up the pants of Daniel. Did you feel there was</p> <p>17 an urgent need to pull up his pants at that time?</p> <p>18 MR. ORTEGA: Objection, vague.</p> <p>19 A. No, sir. I don't know if it was urgent, no.</p> <p>20 Q. (By Mr. Gage) In fact Daniel's underwear was</p> <p>21 covering any of his private areas. Correct?</p> <p>22 A. Was his underwear covering his private areas?</p> <p>23 Q. Yes.</p> <p>24 A. Yes, it was.</p> <p>25 Q. There actually was a tactical advantage for</p>
<p>67</p> <p>1 to be left alone with Daniel"?</p> <p>2 A. No, I did not, sir.</p> <p>3 Q. Did you have the opportunity to speak to</p> <p>4 Flores while you were together?</p> <p>5 A. During which part?</p> <p>6 Q. At any time.</p> <p>7 A. Did I have the opportunity to speak with him?</p> <p>8 Q. Yes.</p> <p>9 A. Yes.</p> <p>10 Q. Did you ever tell Flores, "I'm afraid of this</p> <p>11 guy, maybe we should get some backup"?</p> <p>12 A. No, sir.</p> <p>13 Q. Did you ever tell Flores, "Make sure you don't</p> <p>14 leave me alone, I'm afraid of this guy"?</p> <p>15 A. No, I never told him that.</p> <p>16 Q. Were you surprised when Flores all of a sudden</p> <p>17 left you alone with Daniel?</p> <p>18 MR. ORTEGA: You're talking about the</p> <p>19 sally port. Right?</p> <p>20 Q. (By Mr. Gage) Go ahead.</p> <p>21 A. I was surprised at the amount of time he</p> <p>22 was -- he was gone and I was out there with him.</p> <p>23 Q. Did Flores tell you that he was going to leave</p> <p>24 you alone before he just left you alone out there?</p> <p>25 A. He didn't say, "I'm going to leave you alone."</p>	<p>69</p> <p>1 you as a law enforcement officer having the pants</p> <p>2 around Daniel's legs, wasn't there?</p> <p>3 MR. ORTEGA: Objection, lack of</p> <p>4 foundation, calls for speculation and vague.</p> <p>5 MR. JIM DARNELL: Same objection.</p> <p>6 Q. (By Mr. Gage) Go ahead.</p> <p>7 A. I don't know if there was a tactical advantage</p> <p>8 to it and apart from that I wasn't a law enforcement</p> <p>9 officer at the time.</p> <p>10 Q. Do you know what -- withdraw.</p> <p>11 Have you received any training on tactics</p> <p>12 at any time?</p> <p>13 A. Tactics as far as what, sir?</p> <p>14 Q. Tactics as to how to best control a suspect</p> <p>15 who's uncooperative.</p> <p>16 A. At that time I had received the training from</p> <p>17 Dona Ana, yes, sir.</p> <p>18 Q. All right.</p> <p>19 A. And the G4S training, yes.</p> <p>20 Q. As part of that training, you were taught that</p> <p>21 if a person is potentially dangerous or combative, one</p> <p>22 way to help protect you as a police officer would be to</p> <p>23 restrain his legs in some way. True?</p> <p>24 A. That is correct.</p> <p>25 Q. As an example, there are different devices</p>

<p>70</p> <p>1 that you're aware of to control a person's leg, like 2 leg irons. Correct? 3 A. Yes, sir. 4 MR. ORTEGA: Objection, vague, calls for 5 speculation. 6 Q. (By Mr. Gage) There's also hogties that were 7 available to you to control a person's legs. Correct? 8 MR. ORTEGA: Objection, vague, calls for 9 speculation. 10 A. No, I don't know if there was any hogties 11 available to us, sir. 12 Q. (By Mr. Gage) What is your understanding of 13 what a hogtie is? 14 A. My understanding of a hogtie is when you tie 15 the subject's arms to their legs having -- when you 16 bring up the subject's legs up to their arms and hogtie 17 them both -- I'm sorry -- tie them both together. 18 Q. The benefit of that is if a person is trying 19 to take their arms while in custody from behind their 20 back in front of their back, that prevents it from 21 happening. True? 22 MR. ORTEGA: Objection, calls for 23 speculation. 24 A. I don't know, sir. I don't know about that. 25 Q. (By Mr. Gage) You've never been taught that.</p>	<p>72</p> <p>1 the subject's waist, you put -- there's a -- a hook 2 that's on the chain, you put the handcuff through it 3 and you -- and you put the handcuffs on the subject and 4 it sits like such here and it restrains the movement 5 of -- it restrains the subject's movement completely. 6 Q. Did the El Paso jail have any type of belly 7 chains you were aware of in 2013? 8 MR. JIM DARNELL: Object, calls for 9 speculation. 10 A. I'm not sure. 11 Q. (By Mr. Gage) Have you ever taken prisoners 12 to the El Paso jail at any other time in your life 13 besides March 8th? 14 A. No, just with the -- just in the G4S capacity. 15 Q. And it was only one time ever that you took a 16 person to jail? 17 A. No, sir, it was multiple times. 18 Q. Multiple times. During any of those times, 19 did you ever learn of or see any belly chains at that 20 jail? 21 MR. ORTEGA: This is after he left G4S. 22 True? 23 Q. (By Mr. Gage) Any time. Any time in your 24 life have you ever seen belly chains? 25 A. At the county jail?</p>
<p>71</p> <p>1 A. No, we were taught not to hogtie. Hogtie 2 was -- is -- yes, we were never taught to hogtie. 3 Q. All right. Were you taught ever in your life 4 about a way to prevent a suspect from taking their 5 handcuffs behind their back and putting them in front 6 of them? 7 A. At that point, sir, no, sir. 8 Q. Have you since been taught of any ways to do 9 that? 10 A. Yes, sir. 11 Q. So the training was more comprehensive after 12 March 2013 than what you received from G4S. True? 13 A. That's correct. 14 Q. What have you been taught after the fact on 15 how to restrain a person so that their arms cannot go 16 from behind their back to in front of their back in 17 handcuffs? 18 A. You put the -- the handcuff through one of the 19 pant loops and then handcuff them -- handcuff the 20 subject. That's one way. Or leg irons, sir. I 21 mean -- I'm sorry -- not leg irons, belly chains. 22 Q. What are belly chains? 23 A. Belly chains. 24 Q. What are belly chains? 25 A. Belly chains is when you put a chain around</p>	<p>73</p> <p>1 Q. Correct. 2 A. I don't recall, sir. 3 Q. You don't recall one way or another? 4 A. No. 5 Q. You never saw a prisoner walking around with a 6 belly chain ever at the jail? 7 A. At the county jail, no, I don't recall that. 8 Q. When you were a prison guard, did they have 9 belly chains that one month you served as a guard in 10 2012? 11 A. I served as a detention officer from 12 January 2012 to September 2012. 13 Q. Where did you work? 14 A. The Dona Ana County Detention Center. 15 Q. Did they have belly chains there? 16 A. We had belly chains, yes, sir. 17 Q. Is that something that you understand that's 18 fairly common that jails traditionally would have belly 19 chains available? 20 MR. ORTEGA: Objection, vague and calls 21 for speculation. 22 A. At that jail I knew we had belly chains 23 because we used them quite frequently. However, I mean 24 the El Paso County jail, other jails, have different 25 policies and procedures. I'm not sure, sir.</p>

<p style="text-align: right;">74</p> <p>1 Q. (By Mr. Gage) Have you been in any other</p> <p>2 jails besides the two you've told us about?</p> <p>3 MR. ORTEGA: At any time?</p> <p>4 Q. (By Mr. Gage) At any time.</p> <p>5 A. No, that's -- those are the only two jails</p> <p>6 I've been in.</p> <p>7 Q. After Flores said to stand up Daniel, did he</p> <p>8 explain any purpose other than to pull up his pants?</p> <p>9 A. To get him -- he just said to get him ready</p> <p>10 for transport.</p> <p>11 Q. Leaving the pants down by the legs would be a</p> <p>12 way of helping prevent Daniel from fighting or running.</p> <p>13 True?</p> <p>14 A. I'm not sure, sir.</p> <p>15 Q. You don't think that having something tied</p> <p>16 around his legs like a pair of pants would prevent him</p> <p>17 from being able to run as easily as if his pants were</p> <p>18 fully up?</p> <p>19 MR. ORTEGA: Objection, calls for</p> <p>20 speculation.</p> <p>21 A. Yes, sir, I don't know.</p> <p>22 Q. (By Mr. Gage) You don't know?</p> <p>23 A. I'm sorry?</p> <p>24 Q. You don't know that?</p> <p>25 A. Well, I don't know if it would have prevented</p>	<p style="text-align: right;">76</p> <p>1 Q. (By Mr. Gage) Go ahead.</p> <p>2 MR. ORTEGA: And vague.</p> <p>3 A. Like I said, sir, I don't remember at the time</p> <p>4 what I had. It might have been shorts, but I had no</p> <p>5 issue.</p> <p>6 Q. (By Mr. Gage) All right.</p> <p>7 A. No issue moving around or walking around.</p> <p>8 Q. All right. Shorts around your ankles also had</p> <p>9 no impact or your abilities to walk or run in your</p> <p>10 experience. Correct?</p> <p>11 MR. ORTEGA: Objection, mischaracterizes</p> <p>12 earlier testimony.</p> <p>13 Q. (By Mr. Gage) Go ahead.</p> <p>14 A. I don't remember, sir, about the -- if it</p> <p>15 impacted it or not, but I would have to say no.</p> <p>16 Q. All right. So you pull you up the pants and</p> <p>17 then what do you recall happening?</p> <p>18 A. Well, we stood him up. We didn't completely</p> <p>19 get his pants up. At that moment Mr. Saenz started</p> <p>20 being combative with us and -- and pulling his arms</p> <p>21 quite heavily from us and we tried getting control of</p> <p>22 him and I remember at that point we -- we went to the</p> <p>23 ground, all three of us.</p> <p>24 Q. Then what happened?</p> <p>25 A. We were still struggling with Mr. Saenz, he</p>
<p style="text-align: right;">75</p> <p>1 it or not, no.</p> <p>2 Q. Have you ever in your life had something</p> <p>3 wrapped around your legs and tried to walk or run?</p> <p>4 A. I have.</p> <p>5 Q. Did it make it more difficult for you to walk</p> <p>6 or run when you had something around your legs?</p> <p>7 A. That was -- that was me, though, sir. I don't</p> <p>8 know about everybody else.</p> <p>9 Q. Did it make it more difficult for you to walk</p> <p>10 or run when you had something wrapped around your legs?</p> <p>11 Yes or no.</p> <p>12 MR. ORTEGA: Objection, vague.</p> <p>13 A. Not -- not that I remember, no.</p> <p>14 Q. (By Mr. Gage) What was wrapped around your</p> <p>15 legs that did not impact your ability to walk or run at</p> <p>16 all?</p> <p>17 A. I don't remember. It might have been shorts.</p> <p>18 I don't remember.</p> <p>19 Q. Right. So in your experience whether your</p> <p>20 shorts are around your waist, around your thighs or</p> <p>21 around your calves, it has absolutely no impact on you</p> <p>22 in your abilities to walk and run. Is that a true</p> <p>23 statement?</p> <p>24 MR. ORTEGA: Objection, mischaracterizes</p> <p>25 prior testimony.</p>	<p style="text-align: right;">77</p> <p>1 was trying to get his arms away from us. I remember he</p> <p>2 started bashing his head on the ground. At that point</p> <p>3 I put my arm underneath his head to further prevent the</p> <p>4 injury and we were still struggling with him. I</p> <p>5 remember I was thinking to myself I'm losing control of</p> <p>6 him.</p> <p>7 At that point I see from my peripheral</p> <p>8 Mr. Flores disengage and at that point I felt like it</p> <p>9 was a kick but the video shows otherwise. It was not a</p> <p>10 kick. What happened was he -- Mr. Saenz propped his --</p> <p>11 his feet up on the curb and pushed me off.</p> <p>12 Obviously, I lost my balance, so what I</p> <p>13 tried doing was putting my hands behind me so I could</p> <p>14 catch my fall, which at that point I heard a loud bang</p> <p>15 and I thought I fell on my -- on -- on my behind, but I</p> <p>16 guess I did catch my fall, came back around, and I saw</p> <p>17 Mr. Saenz laying face down.</p> <p>18 Q. What happened next?</p> <p>19 A. Me and Mr. Flores went to go to Mr. Saenz to</p> <p>20 assist him and see what was going on. I was still</p> <p>21 disoriented. When we flipped him around, I saw a</p> <p>22 gunshot to his -- to his chest. I saw blood. At that</p> <p>23 point I held Mr. Saenz's head or stabilized his head</p> <p>24 and Mr. Flores started doing chest compressions.</p> <p>25 He called out on the radio, "Subject</p>

<p>78</p> <p>1 down, shots fired," and that's when other units 2 arrived -- other police officers arrived. And then 3 shortly after the EMS personnel came out through the 4 sally port and then there was a van -- or an ambulance 5 that rolled down the -- the ramp. 6 Q. You observed, even after the gunshot wound, 7 for some period of time Daniel Saenz appeared to be 8 alive. Correct? 9 A. Yes. 10 MR. ORTEGA: Objection, calls for 11 speculation. 12 MR. JIM DARNELL: Same objection. 13 Q. (By Mr. Gage) And what did you observe that 14 made you believe that Daniel was alive? 15 A. He was breathing. He was breathing heavily 16 and I could hear him wheezing or breathing -- wheezing. 17 After that I don't know -- 18 Q. Was he moaning or crying at all? 19 A. Not -- not that I remember, no, sir. 20 Q. So Daniel was breathing heavily and wheezing 21 for a couple of minutes. Right? 22 A. I would assume so. 23 Q. That's your best recollection from watching. 24 Correct? 25 A. That's correct.</p>	<p>80</p> <p>1 also calls for an expert opinion. 2 Q. (By Mr. Gage) Go ahead. 3 A. No, sir, I did not. All I saw was -- we were 4 engaged with Mr. Saenz and I saw Mr. Flores trying to 5 get -- do this (indicating) and then disengage, but I 6 was -- that was out of my peripheral, so I -- I was 7 still trying to get ahold of Mr. Saenz. 8 Q. You said you saw Mr. Flores do this. That's 9 reaching down towards either his gun belt or his taser? 10 A. No, it was around his thighs, his crotch area. 11 Q. Did Flores say anything when he reached 12 towards his thigh? 13 A. Not during -- not -- not at his thigh, no. 14 Q. All right. So it's clear, then, you did not 15 see anything that Daniel Saenz did just before he was 16 shot that you -- you would have used deadly force on. 17 Is that a true statement? 18 MR. ORTEGA: Objection, calls for 19 speculation, calls for a legal conclusion and expert 20 testimony. 21 MR. JIM DARNELL: Same objection. 22 A. No, sir, I don't know what -- I don't know 23 if -- I don't know if I could say that there was 24 something that -- I mean because we had different -- I 25 have a different perspective, Mr. Flores has a</p>
<p>79</p> <p>1 MR. JIM DARNELL: Calls for speculation. 2 MR. ORTEGA: Same objection. 3 MR. JEEP DARNELL: Brad, can we take a 4 break? 5 MR. GAGE: In a minute or two. 6 Q. (By Mr. Gage) You were able to see him 7 breathing heavily, right, after he was shot? 8 A. That's correct. 9 Q. You were able to hear him breathing heavily 10 after Daniel was shot. Correct? 11 A. That's correct. 12 Q. You were able to hear Daniel wheezing for a 13 couple of minutes after he was shot. Correct? 14 A. I don't know if it was a couple minutes or 15 not, sir, I don't. 16 Q. But you could hear the wheezing? 17 A. But I could hear the wheezing, yes, sir. 18 Q. All right. And you explained a number of 19 events that was going on. Was there anything that you 20 saw or heard before Daniel was shot that in your mind 21 justified the use of deadly force based on your 22 training? 23 MR. ORTEGA: Objection, calls for 24 speculation, vague, calls for a legal conclusion. 25 MR. JIM DARNELL: Same objection. It</p>	<p>81</p> <p>1 different perspective. 2 Q. (By Mr. Gage) I'm just trying to get a clear 3 answer to a clear question. Did you see anything just 4 before Daniel was shot that made you believe deadly 5 force was necessary? Yes or no. 6 MR. ORTEGA: Objection, speculation, 7 vague, calls for a legal conclusion and requires expert 8 opinion. 9 MR. JIM DARNELL: Same objection. 10 Q. (By Mr. Gage) Answer, please. 11 A. I can't say -- I'm only saying something -- 12 what I experienced. So I don't know if there was a 13 need for it. I don't know. I'm not sure, sir. 14 Q. There's nothing that you saw that you can 15 point to -- 16 A. Other than -- other than -- I'm sorry. Other 17 than -- 18 MR. ORTEGA: Excuse me. Let him ask the 19 question. 20 Q. (By Mr. Gage) Let me finish my question. 21 Is it true there's nothing that you saw 22 that you believed demonstrated deadly force was 23 necessary at the time that Daniel was shot? 24 MR. ORTEGA: Objection, vague, calls for 25 speculation, calls for a legal conclusion and expert</p>

<p style="text-align: right;">82</p> <p>1 opinion.</p> <p>2 A. I'm not sure, sir.</p> <p>3 Q. (By Mr. Gage) You're not sure of anything.</p> <p>4 Correct?</p> <p>5 A. I'm not sure of what your -- what the -- no,</p> <p>6 I'm not sure of -- of that -- that instance of what</p> <p>7 you're asking if I saw anything, no.</p> <p>8 Q. You were trained when you could use deadly</p> <p>9 force. Correct?</p> <p>10 A. That's correct, sir.</p> <p>11 Q. You've been taught that. That's a very</p> <p>12 important item for you to be well aware of as a law</p> <p>13 enforcement officer. True?</p> <p>14 MR. ORTEGA: Objection, vague.</p> <p>15 A. That is correct.</p> <p>16 Q. (By Mr. Gage) You're still working today as a</p> <p>17 law enforcement officer. Right?</p> <p>18 A. That's correct.</p> <p>19 Q. So you have training, knowledge and</p> <p>20 information as to when you can or cannot use deadly</p> <p>21 force. Right?</p> <p>22 A. That is correct.</p> <p>23 Q. So based on what you have been trained, did</p> <p>24 you see anything that you believe justified the use of</p> <p>25 deadly force when Daniel was shot? Yes or no.</p>	<p style="text-align: right;">84</p> <p>1 of a police officer justifies killing them? Yes or no.</p> <p>2 MR. JIM DARNELL: Objection to asked and</p> <p>3 answered.</p> <p>4 MR. ORTEGA: And calls for a legal</p> <p>5 conclusion and speculation.</p> <p>6 A. I don't know. It would depend on that</p> <p>7 officer's engagement and what he perceived.</p> <p>8 Q. (By Mr. Gage) I'm asking you about your</p> <p>9 teaching, not what some other officer did or saw or</p> <p>10 perceived. Do you understand the distinction?</p> <p>11 A. Yes.</p> <p>12 Q. Were you taught that if a suspect simply</p> <p>13 reaches by your thigh, you're allowed to kill them?</p> <p>14 Yes or no.</p> <p>15 MR. JIM DARNELL: Objection, asked and</p> <p>16 answered twice.</p> <p>17 MR. ORTEGA: Same objection.</p> <p>18 A. No, I don't recall ever -- ever getting that</p> <p>19 training --</p> <p>20 Q. Okay.</p> <p>21 A. -- or ever being told that.</p> <p>22 Q. Other than reaching the thigh, did you see</p> <p>23 Daniel touching any other portion of Officer Flores</p> <p>24 before Flores shot Daniel?</p> <p>25 A. No, just his thigh and crotch area, sir.</p>
<p style="text-align: right;">83</p> <p>1 MR. ORTEGA: Objection, vague, calls for</p> <p>2 speculation, calls for a legal conclusion and expert</p> <p>3 opinion.</p> <p>4 MR. JIM DARNELL: Same objection.</p> <p>5 A. Other than the fact that I saw Mr. Saenz reach</p> <p>6 down here near his thigh, near the belt, that's all I</p> <p>7 saw, sir.</p> <p>8 Q. (By Mr. Gage) Reaching down near his belt --</p> <p>9 A. Mr. Flores' belt, yes.</p> <p>10 Q. Did you see what he grabbed or did?</p> <p>11 A. I don't recall, sir, no.</p> <p>12 Q. Were you taught that if a person in handcuffs</p> <p>13 being detained reaches down by the thigh area of a</p> <p>14 police officer that that is justification for killing</p> <p>15 them?</p> <p>16 MR. ORTEGA: As of what date?</p> <p>17 Q. (By Mr. Gage) Ever.</p> <p>18 A. Not the -- not the -- I don't know about the</p> <p>19 thigh area, but the belt area, especially if the</p> <p>20 subject's trying to go for any -- any of the weapons</p> <p>21 that are on the officer's belt.</p> <p>22 MR. GAGE: Move to strike as</p> <p>23 nonresponsive.</p> <p>24 Q. (By Mr. Gage) The simple question is were you</p> <p>25 taught that the act of a person reaching for the thigh</p>	<p style="text-align: right;">85</p> <p>1 MR. JEEP DARNELL: I'm ready to take a</p> <p>2 break.</p> <p>3 MR. GAGE: Two more minutes.</p> <p>4 MR. JEEP DARNELL: You said that five</p> <p>5 minutes ago.</p> <p>6 MR. GAGE: Well, I'm going to finish this</p> <p>7 line of --</p> <p>8 MR. JEEP DARNELL: I don't care. You</p> <p>9 said that five minutes ago. I really need to take a</p> <p>10 break.</p> <p>11 MR. GAGE: I waited for you for an hour.</p> <p>12 I agreed to give you a lunch break when you wanted to</p> <p>13 see your wife.</p> <p>14 MR. JEEP DARNELL: We've been going for</p> <p>15 an hour and a half, Brad.</p> <p>16 MR. GAGE: I'm going to finish this</p> <p>17 series.</p> <p>18 MR. JEEP DARNELL: You keep starting a</p> <p>19 new series.</p> <p>20 Q. (By Mr. Gage) Were you taught that it would</p> <p>21 be appropriate to shoot and kill someone when they</p> <p>22 touch a person by the crotch?</p> <p>23 A. Was I ever taught that?</p> <p>24 Q. Yes.</p> <p>25 A. No, sir.</p>

<p style="text-align: right;">86</p> <p>1 Q. Did you ever touch Flores when his gun was out</p> <p>2 at any time before he shot?</p> <p>3 A. I don't know, sir. I don't recall that, no.</p> <p>4 Q. You don't recall doing that.</p> <p>5 A. No.</p> <p>6 Q. Did you in any way cause Flores to fire that</p> <p>7 shot on Daniel?</p> <p>8 MR. ORTEGA: Objection, calls for</p> <p>9 speculation.</p> <p>10 MR. JIM DARNELL: Same objection.</p> <p>11 A. No, sir, I don't recall or I don't remember.</p> <p>12 I don't know if I ever came in contact with Mr. Flores</p> <p>13 while that weapon was out.</p> <p>14 Q. (By Mr. Gage) What you're telling us is you</p> <p>15 don't know whether you caused Flores to shoot or not or</p> <p>16 that you did not cause him to shoot?</p> <p>17 A. No, I'm telling you I'm not --</p> <p>18 MR. JIM DARNELL: Object to misstatement.</p> <p>19 Q. (By Mr. Gage) Go ahead.</p> <p>20 A. What I'm saying is I don't -- I don't know if</p> <p>21 I ever came in contact with Mr. Flores while the weapon</p> <p>22 was out.</p> <p>23 Q. And my question is a little bit different now.</p> <p>24 Is there anything that you did that you believe caused</p> <p>25 Mr. Flores to shoot Daniel Saenz?</p>	<p style="text-align: right;">88</p> <p>1 A. That is correct.</p> <p>2 Q. Do they have those belly chains at the Pebble</p> <p>3 [sic] regional center?</p> <p>4 MR. ORTEGA: At the time on March 8,</p> <p>5 2013?</p> <p>6 A. I don't recall, sir. I don't remember if we</p> <p>7 did or not.</p> <p>8 Q. (By Mr. Gage) You've seen them there at the</p> <p>9 regional center, you just can't remember the date that</p> <p>10 you saw belly chains. Correct?</p> <p>11 MR. JIM DARNELL: Object to misstatement.</p> <p>12 A. No, I don't remember or I don't recall seeing</p> <p>13 them there.</p> <p>14 Q. (By Mr. Gage) Did you have any belly chains</p> <p>15 in the van with you?</p> <p>16 A. We -- I remember we had extra handcuffs and</p> <p>17 shackles.</p> <p>18 Q. Shackles for the legs?</p> <p>19 A. That's correct.</p> <p>20 Q. Shackles would help to prevent the opportunity</p> <p>21 for a person to take the handcuffs from behind their</p> <p>22 legs and put them in front. True?</p> <p>23 A. No, sir.</p> <p>24 Q. They go along the legs?</p> <p>25 A. They go -- it's like -- it acts like a</p>
<p style="text-align: right;">87</p> <p>1 MR. JIM DARNELL: Object, speculation.</p> <p>2 A. Is there anything what? I'm sorry.</p> <p>3 Q. (By Mr. Gage) Is there anything that you did</p> <p>4 that you believe caused Flores to shoot Mr. Saenz?</p> <p>5 MR. JIM DARNELL: Object, speculation.</p> <p>6 MR. ORTEGA: Same objection.</p> <p>7 A. I don't know what Mr. Flores saw, but, no, I</p> <p>8 don't think so.</p> <p>9 MR. GAGE: All right. We can take a</p> <p>10 break now.</p> <p>11 THE VIDEOGRAPHER: The time is 11:43 a.m.</p> <p>12 We are now off the record.</p> <p>13 (A recess was had.)</p> <p>14 THE VIDEOGRAPHER: The time is 12:02 p.m.</p> <p>15 We are back on the record.</p> <p>16 Q. (By Mr. Gage) Are you aware there are</p> <p>17 techniques to help avoid the possibility of a suspect</p> <p>18 fighting or fleeing. True?</p> <p>19 A. Yes, sir.</p> <p>20 Q. What techniques are you aware of?</p> <p>21 A. Escort holds -- escort holds, pressure points.</p> <p>22 Yeah, things of such nature, yeah.</p> <p>23 (Discussion off the stenographic record.)</p> <p>24 Q. (By Mr. Gage) By the way, you spoke of those</p> <p>25 belly chains. Correct?</p>	<p style="text-align: right;">89</p> <p>1 handcuff but on the ankles of the legs. It doesn't --</p> <p>2 it wouldn't prevent someone from slipping their</p> <p>3 handcuffs from the back to the front.</p> <p>4 Q. Is there a way to use extra cuffs to then</p> <p>5 attach the handcuffs around the wrists to the shackles</p> <p>6 on the legs so that the handcuffs could not get in</p> <p>7 front?</p> <p>8 MR. ORTEGA: Objection, calls for</p> <p>9 speculation.</p> <p>10 A. I don't -- I don't know if there is or not but</p> <p>11 that would be considered a hogtie.</p> <p>12 Q. (By Mr. Gage) So you could do it, you just</p> <p>13 don't know if you were allowed to do it. Is that what</p> <p>14 you're saying?</p> <p>15 A. I was not allowed to do it.</p> <p>16 Q. Physically you could stop cuffs from going</p> <p>17 behind the back to the front if you had handcuffs</p> <p>18 attached to the shackles. True?</p> <p>19 MR. ORTEGA: Objection, calls for</p> <p>20 speculation.</p> <p>21 A. I'm not sure if it would stop or not, but you</p> <p>22 can't -- that would be considered, like I said, a</p> <p>23 hogtie since you're tying -- either in the front or in</p> <p>24 the back, you're tying that person's hands to their</p> <p>25 legs, so that would be considered a hogtie, which is</p>

<p>90</p> <p>1 prohibited.</p> <p>2 Q. (By Mr. Gage) What's your understanding of</p> <p>3 the purpose of shackles?</p> <p>4 A. The -- my purpose -- or I mean I'm sorry -- my</p> <p>5 understanding for the purpose of -- of shackles is</p> <p>6 to -- to prevent that person from having a longer</p> <p>7 stride when they're walking or -- or for -- to keep</p> <p>8 them from -- from -- I guess having an advantage if</p> <p>9 they're trying to escape or if they're escaping.</p> <p>10 Q. It prevents running away as easily.</p> <p>11 A. That's correct, yes.</p> <p>12 Q. Did you at any time fear that Daniel was going</p> <p>13 to try to run away from your custody?</p> <p>14 MR. ORTEGA: At any point?</p> <p>15 Q. (By Mr. Gage) At any time.</p> <p>16 A. Once outside, yes. It was -- yes.</p> <p>17 Q. And you felt that way when you were left all</p> <p>18 alone by Mr. Flores. True?</p> <p>19 A. It -- it crossed my mind, yes, that he could</p> <p>20 run away.</p> <p>21 Q. Did you consider putting shackles on Daniel at</p> <p>22 that point so you could prevent him from running away?</p> <p>23 A. At that point while sitting outside with him?</p> <p>24 Q. Yes.</p> <p>25 A. I didn't have the ability to -- I didn't have</p>	<p>92</p> <p>1 MR. ORTEGA: If that's your answer say,</p> <p>2 "Yes."</p> <p>3 Q. (By Mr. Gage) What were you taught?</p> <p>4 A. Yes.</p> <p>5 Q. What were you taught -- what were you taught</p> <p>6 was the purpose of having a radio?</p> <p>7 A. To communicate, obviously.</p> <p>8 Q. What is your understanding of the purpose of</p> <p>9 being able to communicate with a police radio?</p> <p>10 A. To -- to let people know what your location</p> <p>11 is, what you're doing at that time, what you're going</p> <p>12 to do at that time, yes.</p> <p>13 Q. Were you aware in March of 2018 that you could</p> <p>14 use a radio to ask for assistance?</p> <p>15 A. You said March of 2018, sir?</p> <p>16 Q. Were you aware in March of 2013 that you could</p> <p>17 use a radio to ask for assistance?</p> <p>18 MR. ORTEGA: Objection, vague.</p> <p>19 A. Yes, I was aware of it, yes.</p> <p>20 Q. (By Mr. Gage) Were you aware in March of 2013</p> <p>21 that a radio -- having one with you was important for</p> <p>22 your safety?</p> <p>23 MR. ORTEGA: Objection, vague.</p> <p>24 A. It was -- it was part of -- it was part of</p> <p>25 what we needed to carry, but I don't remember if I had</p>
<p>91</p> <p>1 shackles on me to put on him.</p> <p>2 Q. Did you think of having shackles is my</p> <p>3 question?</p> <p>4 A. No, I did not think of it.</p> <p>5 Q. Because, obviously, even if you didn't have</p> <p>6 shackles with you at that point, you had a radio on you</p> <p>7 that you could call someone for them. Correct?</p> <p>8 MR. ORTEGA: Objection, calls for</p> <p>9 speculation.</p> <p>10 A. No, I don't know if anybody would have --</p> <p>11 would have brought them or it would have been easily</p> <p>12 attainable to have shackles there.</p> <p>13 Q. (By Mr. Gage) Did you have a radio with you</p> <p>14 at the sally port?</p> <p>15 A. I don't remember, sir, if I did or not.</p> <p>16 Q. Was it part of your uniform to carry a radio</p> <p>17 when you worked for G4S?</p> <p>18 A. It wasn't part of the uniform, but Pebble</p> <p>19 Hills would assign or lend us a radio. Sometimes we</p> <p>20 didn't have -- sometimes Pebble Hills did not have the</p> <p>21 ability to lend out a radio to us.</p> <p>22 Q. Were you taught any law enforcement purposes</p> <p>23 for having a radio?</p> <p>24 MR. ORTEGA: Objection, vague.</p> <p>25 A. Yes, of course, it's -- it's --</p>	<p>93</p> <p>1 it or not and I don't know if it would have helped my</p> <p>2 safety. I don't know.</p> <p>3 Q. (By Mr. Gage) That's partially nonresponsive.</p> <p>4 My question for you is simply did you know from any</p> <p>5 training or experience that you had by March 8th, 2013,</p> <p>6 that a radio could assist for any officer's safety</p> <p>7 purpose at all?</p> <p>8 MR. ORTEGA: Objection, vague.</p> <p>9 A. No, sir, I'm not sure if it would have</p> <p>10 assisted with officer safety.</p> <p>11 Q. (By Mr. Gage) Were you taught by G4S any</p> <p>12 benefits of having a radio with you when you were</p> <p>13 working?</p> <p>14 A. No, sir.</p> <p>15 Q. Did G4S teach you how to use a radio?</p> <p>16 A. Not G4S directly, but the El Paso Police</p> <p>17 Department had a -- a -- they -- they trained us on how</p> <p>18 to use -- how to communicate with them, yes.</p> <p>19 Q. Did you learn how to communicate with the</p> <p>20 El Paso Police Department on the radio while you were a</p> <p>21 G4S security officer?</p> <p>22 A. That is correct.</p> <p>23 Q. What did they train you?</p> <p>24 A. They trained us on how to call out -- excuse</p> <p>25 me -- use their call signs to -- to say where we were</p>

<p style="text-align: right;">94</p> <p>1 going from, with how many prisoners, if they were</p> <p>2 either female or male, and then the times of our</p> <p>3 arrival -- or to say how do we arrive -- how we arrived</p> <p>4 at that point -- or when we arrived at that location.</p> <p>5 Q. Were you taught the purpose of why the El Paso</p> <p>6 Police Department had an interest in where you were</p> <p>7 located?</p> <p>8 A. No.</p> <p>9 Q. Did anyone advise you that one of the reasons</p> <p>10 why law enforcement wants to know your whereabouts is</p> <p>11 that if you become in a situation where there's a call</p> <p>12 for help and you are unable to say where you're at,</p> <p>13 help can come to you?</p> <p>14 MR. ORTEGA: Objection, vague, calls for</p> <p>15 speculation.</p> <p>16 A. At that time or any event?</p> <p>17 Q. (By Mr. Gage) Let's start at that time.</p> <p>18 MR. ORTEGA: Same objection.</p> <p>19 MR. JIM DARNELL: Same objection, plus I</p> <p>20 didn't understand it.</p> <p>21 A. It was only -- it was -- to my recollection it</p> <p>22 was taught to -- for us to communicate with the PD</p> <p>23 to -- for us to let them know what we were doing and</p> <p>24 where we were at and at what location we were -- we had</p> <p>25 arrived -- at what time we had arrived at that</p>	<p style="text-align: right;">96</p> <p>1 anything, as of March 2013?</p> <p>2 A. Obviously, I would -- I would let them know</p> <p>3 what the situation -- what the situation is at that</p> <p>4 moment in time and if at -- if at -- if at all</p> <p>5 possible, give my location.</p> <p>6 Q. What was the purpose of using a radio to call</p> <p>7 for help? So you could be protected if you needed it?</p> <p>8 A. I don't know about protected, but to get</p> <p>9 assistance.</p> <p>10 Q. Did you believe that calling for assistance</p> <p>11 would help to protect your health and safety at times?</p> <p>12 MR. ORTEGA: Objection, vague, calls for</p> <p>13 speculation.</p> <p>14 A. I don't know -- I don't know if it would help</p> <p>15 my safety or my health, sir.</p> <p>16 Q. (By Mr. Gage) I'll give you a hypothetical.</p> <p>17 Suppose you're in a situation where you have two bad</p> <p>18 guys shooting at you and you're barricaded safe, but</p> <p>19 you're afraid they're going to come around. You're all</p> <p>20 by yourself. You have your gun and you have a radio.</p> <p>21 Do you think if you get on that radio and</p> <p>22 you call for help other officers might arrive and help</p> <p>23 to protect you from these two bad gunmen?</p> <p>24 MR. ORTEGA: Objection, calls for</p> <p>25 speculation.</p>
<p style="text-align: right;">95</p> <p>1 location, yes.</p> <p>2 Q. Were you taught the reason why you had to</p> <p>3 explain your location to dispatch?</p> <p>4 A. No, I wasn't taught that.</p> <p>5 Q. So G4S never explained to you a reason why you</p> <p>6 had to tell them where your location was. Correct?</p> <p>7 MR. ORTEGA: Objection, vague.</p> <p>8 A. No.</p> <p>9 Q. (By Mr. Gage) Is that a correct statement?</p> <p>10 MR. ORTEGA: Same objection.</p> <p>11 A. Did they ever explain to us why --</p> <p>12 Q. (By Mr. Gage) Did G4S tell you why you had to</p> <p>13 give a location that you were at on the radio?</p> <p>14 A. No.</p> <p>15 Q. Were you ever trained that you could use a</p> <p>16 radio to call for assistance when you needed help as a</p> <p>17 law enforcement officer?</p> <p>18 MR. ORTEGA: Objection, vague.</p> <p>19 A. At what point, sir? At that -- at that time</p> <p>20 as a G4S security officer or any time?</p> <p>21 Q. (By Mr. Gage) Let's start up until March</p> <p>22 2013, were you ever trained that?</p> <p>23 A. Yes.</p> <p>24 Q. You were. What were you told was the benefit</p> <p>25 of being able to use a radio to call for help, if</p>	<p style="text-align: right;">97</p> <p>1 A. I don't know if they would arrive or not, no.</p> <p>2 Q. (By Mr. Gage) All right. That's fine.</p> <p>3 A. Yeah.</p> <p>4 Q. Suppose -- withdraw.</p> <p>5 Has anyone ever called on the radio for</p> <p>6 assistance when you came to help them as a law</p> <p>7 enforcement officer?</p> <p>8 MR. ORTEGA: At any point.</p> <p>9 Q. (By Mr. Gage) Any time.</p> <p>10 A. Yes.</p> <p>11 Q. When you were called to give assistance, were</p> <p>12 you able to help that officer?</p> <p>13 A. I think by the time I got there, the situation</p> <p>14 had already -- either the situation was under control</p> <p>15 or -- or -- I don't know if I had helped much, but I</p> <p>16 mean I was still in -- I would still go en route to --</p> <p>17 to assist.</p> <p>18 Q. So it's your experience that officers calling</p> <p>19 for assistance, at least to you, did not receive any</p> <p>20 aid or assistance. Is that a correct statement?</p> <p>21 MR. ORTEGA: Objection,</p> <p>22 mischaracterization of his testimony.</p> <p>23 MR. JIM DARNELL: Same objection.</p> <p>24 A. No, they -- I'm sure they received aid or some</p> <p>25 type of assistance, just not maybe when I got there</p>

<p>98</p> <p>1 because it was already under control, like I said.</p> <p>2 Q. (By Mr. Gage) So you've never given aid or</p> <p>3 assistance to an officer who's called for help ever in</p> <p>4 your career. Is that a true statement?</p> <p>5 MR. JIM DARNELL: Objection,</p> <p>6 misstatement.</p> <p>7 A. I've been called to assist, but like I said,</p> <p>8 whenever I would get there, things were under control</p> <p>9 already. I would -- I would assist maybe in taking</p> <p>10 down names from other people, things of that nature,</p> <p>11 yes.</p> <p>12 Q. (By Mr. Gage) Have you ever been called for</p> <p>13 help on a radio and provided help to protect the safety</p> <p>14 of an officer?</p> <p>15 MR. ORTEGA: At any point.</p> <p>16 Q. (By Mr. Gage) Ever.</p> <p>17 A. No, I have not.</p> <p>18 Q. Have you ever heard of other officers who have</p> <p>19 called for help on a radio where some other person in</p> <p>20 law enforcement came and helped them to avoid a</p> <p>21 potentially dangerous or life-threatening situation?</p> <p>22 MR. ORTEGA: At any point. Correct?</p> <p>23 A. Yes.</p> <p>24 MR. GAGE: That's what "ever" means.</p> <p>25 MR. ORTEGA: That's what we're trying to</p>	<p>100</p> <p>1 MR. GAGE: Yes.</p> <p>2 MR. ORTEGA: He's asking if you knew that</p> <p>3 at the time you were working at G4S on March 8, 2013.</p> <p>4 Q. (By Mr. Gage) Any time up to that point,</p> <p>5 including that day.</p> <p>6 A. Yes, I could have used the radio.</p> <p>7 Q. You did not use a radio ever to call for any</p> <p>8 assistance, did you?</p> <p>9 A. At what point, sir?</p> <p>10 Q. On March 8, 2013, all the way until after</p> <p>11 Daniel was shot?</p> <p>12 A. No, sir. No.</p> <p>13 Q. Did you ever hit, kick or punch Daniel?</p> <p>14 A. No, sir, I did not.</p> <p>15 Q. Did you ever push him?</p> <p>16 A. No, sir, I did not.</p> <p>17 Q. You knew that kicking, hitting, punching or</p> <p>18 pushing Daniel, especially when handcuffed and not</p> <p>19 resisting, would be improper. Correct?</p> <p>20 A. That's correct, sir.</p> <p>21 MR. ORTEGA: Objection, vague, calls for</p> <p>22 speculation, calls for an expert opinion and a legal</p> <p>23 conclusion.</p> <p>24 MR. JIM DARNELL: Same objection.</p> <p>25 Q. (By Mr. Gage) Why did you believe that</p>
<p>99</p> <p>1 find out.</p> <p>2 Q. (By Mr. Gage) Your answer was "Yes"?</p> <p>3 A. Yes.</p> <p>4 Q. What was that situation?</p> <p>5 A. Well, in this case, obviously, Officer Flores</p> <p>6 called out over the radio, "Shots fired, subject down,"</p> <p>7 officers came to assist. While working as a police</p> <p>8 officer, an officer called out, "Subject with a gun,"</p> <p>9 we obviously went over to assist. Working for CBP</p> <p>10 sometimes there's unruly pedestrians or people in</p> <p>11 traffic areas, so they would -- oh, I'm sorry -- for an</p> <p>12 armed and dangerous, we go over to the lane to assist.</p> <p>13 Q. (By Mr. Gage) So you've used the radio to</p> <p>14 call for help when there were unruly pedestrians. Is</p> <p>15 that accurate?</p> <p>16 A. Have I -- have I used it? Yes, I have.</p> <p>17 Q. All right. And the reason why you would use</p> <p>18 your radio to call for help when there were unruly</p> <p>19 pedestrians is in part for your safety from these</p> <p>20 unruly folks. Right?</p> <p>21 A. Yes.</p> <p>22 Q. And you were aware that if you had an unruly</p> <p>23 prisoner, calling for help on a radio could help you in</p> <p>24 that situation, too. Is that true?</p> <p>25 MR. ORTEGA: That's as of March 8, 2013?</p>	<p>101</p> <p>1 kicking, hitting, punching or pushing Daniel when he</p> <p>2 was handcuffed and not resisting is improper?</p> <p>3 MR. ORTEGA: Same objections as before.</p> <p>4 MR. JIM DARNELL: Same.</p> <p>5 Q. (By Mr. Gage) Go ahead.</p> <p>6 A. This is -- that's only coming from -- that's</p> <p>7 only -- I mean it would be common sense to anybody.</p> <p>8 You can't kick, hit or push anybody, so why would it be</p> <p>9 done to a -- especially to a handcuffed prisoner. So,</p> <p>10 no, it's improper.</p> <p>11 Q. Were you -- did you learn that you could not</p> <p>12 inflict cruel or unusual punishment on someone in</p> <p>13 handcuffs under your control?</p> <p>14 MR. ORTEGA: Objection, calls for expert</p> <p>15 opinion and a legal conclusion.</p> <p>16 A. Can you rephrase the question.</p> <p>17 Q. (By Mr. Gage) Did you learn it was improper</p> <p>18 to inflict cruel or unusual punishment on a person in</p> <p>19 your custody?</p> <p>20 MR. ORTEGA: Same objections and vague.</p> <p>21 A. I don't think that's for me to decide, it's --</p> <p>22 I'm already seeing this now where --</p> <p>23 Q. (By Mr. Gage) Did you believe on March 8,</p> <p>24 2013, it was okay for you to use cruel or unusual</p> <p>25 punishment on a person in custody?</p>

<p style="text-align: right;">102</p> <p>1 MR. ORTEGA: Objection, vague, calls for</p> <p>2 expert opinion and legal conclusion.</p> <p>3 MR. JIM DARNELL: Same objection.</p> <p>4 A. I'm sorry. Can you repeat the question,</p> <p>5 please.</p> <p>6 MR. GAGE: We'll have it read back and</p> <p>7 the objections are preserved.</p> <p>8 (The Court Reporter read back: Did you</p> <p>9 believe on March 8, 2013, it was okay for</p> <p>10 you to use cruel or unusual punishment on</p> <p>11 a person in custody?)</p> <p>12 A. No, sir.</p> <p>13 Q. (By Mr. Gage) Why did you think it was not</p> <p>14 proper?</p> <p>15 A. I don't think it's ever been proper to do</p> <p>16 those kinds of things, no.</p> <p>17 Q. It's not proper what?</p> <p>18 A. I don't think it's ever been proper to do</p> <p>19 that, no.</p> <p>20 Q. You also felt it's never been proper to use</p> <p>21 excessive force on a person in custody. Correct?</p> <p>22 A. That's true.</p> <p>23 MR. ORTEGA: Objection, calls for expert</p> <p>24 opinion, legal opinion and speculation.</p> <p>25 MR. JIM DARNELL: Same objection.</p>	<p style="text-align: right;">104</p> <p>1 Q. When you entered the jail initially -- well,</p> <p>2 let's back up. What time did you go on duty on</p> <p>3 March 8th, 2013?</p> <p>4 A. At approximately 15:00 hours. I was late that</p> <p>5 day, sir.</p> <p>6 Q. So that would be 3:00 p.m.?</p> <p>7 A. That's correct.</p> <p>8 Q. What was your assignment when you got there?</p> <p>9 A. My assignment was to be a transport officer</p> <p>10 that day.</p> <p>11 Q. Once you arrived did you start to prepare to</p> <p>12 do transportation of some prisoners?</p> <p>13 A. Once I arrived at the Pebble Hills station, I</p> <p>14 went to go dress -- dress out in my uniform, to put my</p> <p>15 uniform back on -- or to put it on and then go to the</p> <p>16 cell area and get ready for transport, yes.</p> <p>17 Q. At what time were you ready to start</p> <p>18 transporting prisoners that day?</p> <p>19 A. I don't remember, sir.</p> <p>20 Q. Was Daniel Saenz the first prisoner you</p> <p>21 transported?</p> <p>22 A. That is -- no, no, no, not him.</p> <p>23 Q. Where did you go from Pebble Hills?</p> <p>24 A. From Pebble Hills we went to the Mission</p> <p>25 Valley Regional Command Center.</p>
<p style="text-align: right;">103</p> <p>1 Q. (By Mr. Gage) Why did you believe it was</p> <p>2 improper to use excessive force on a person in custody?</p> <p>3 A. Why did I believe it was proper?</p> <p>4 Q. Improper, wrong.</p> <p>5 A. Oh. It goes back to training. It goes back</p> <p>6 to common sense. Like you won't -- you're not going to</p> <p>7 inflict any type of bodily injury to anybody, so why</p> <p>8 would you do it to a prisoner?</p> <p>9 Q. Were you ever taught that inflicting excessive</p> <p>10 force, bodily injury on a prisoner that was not</p> <p>11 justified was unconstitutional?</p> <p>12 A. That's correct.</p> <p>13 Q. And you were also taught that it could result</p> <p>14 in a civil rights violation claim. Correct?</p> <p>15 A. To my knowledge, yes, sir.</p> <p>16 Q. When did you first learn that using excessive</p> <p>17 force on someone would be unconstitutional?</p> <p>18 A. I don't recall, sir. I don't remember.</p> <p>19 Q. But you knew that when you worked for G4S.</p> <p>20 Correct?</p> <p>21 A. I had a vague understanding of it, yes, sir.</p> <p>22 Q. You also had a vague understanding at least</p> <p>23 when working for G4S by March of 2013 that excessive</p> <p>24 force could result in a civil rights claim. Correct?</p> <p>25 A. Yes, sir.</p>	<p style="text-align: right;">105</p> <p>1 Q. How far away is that?</p> <p>2 A. About seven miles, eight miles.</p> <p>3 Q. How long did it take?</p> <p>4 A. I don't recall, sir, but -- yeah, I don't</p> <p>5 recall.</p> <p>6 Q. What time did you return back from Mission</p> <p>7 Valley Regional Command Center to Pebble Hills?</p> <p>8 A. I don't recall the exact time, no, I don't.</p> <p>9 Q. What's your best estimate?</p> <p>10 A. Well, I got there at approximately 3:00. I</p> <p>11 would say we got back to Pebble Hills around 4:30,</p> <p>12 quarter to 5:00. That's my approximate.</p> <p>13 Q. All right. Then what time did you leave</p> <p>14 Pebble Hills to drive to the county jail at?</p> <p>15 A. I would say about 5:00 -- between 5:00, 5:15.</p> <p>16 Q. What time did you arrive at the county jail at</p> <p>17 approximately?</p> <p>18 A. About 4:00 -- I mean I'm sorry -- 5:30.</p> <p>19 Q. Did the shooting take place around 6:30?</p> <p>20 A. I don't remember, sir.</p> <p>21 Q. Were you at the jail for about an hour before</p> <p>22 the shooting took place?</p> <p>23 A. That is correct. Approximately.</p> <p>24 Q. When you arrived to the jail, you were in a</p> <p>25 van with Mr. Matthews, another prisoner and Daniel</p>

<p style="text-align: right;">106</p> <p>1 Saenz, just the four of you. Correct?</p> <p>2 A. That's correct.</p> <p>3 Q. Were there any policies, regulations or rules</p> <p>4 that you were aware of that required when you were</p> <p>5 driving in a van with prisoners, a police officer from</p> <p>6 the El Paso Police Department was required to be with</p> <p>7 you in the van?</p> <p>8 A. Not in the van. They could be in the van or</p> <p>9 escorting us in their police unit.</p> <p>10 Q. Have you ever taken a prisoner to jail without</p> <p>11 an El Paso police officer in the van or in a car behind</p> <p>12 while you worked for G4S?</p> <p>13 A. No, sir.</p> <p>14 Q. What were you told was the reason why an</p> <p>15 El Paso police officer had to be with you when you were</p> <p>16 transporting a prisoner?</p> <p>17 MR. ORTEGA: Objection, lacks foundation.</p> <p>18 A. From what I remember, the -- what we were told</p> <p>19 about that was that the sheriff, Sheriff Wiles -- I</p> <p>20 don't know if demanded, but he -- yeah, he wanted a</p> <p>21 peace officer to accompany -- accompany us whenever we</p> <p>22 go to booking at any of his jails.</p> <p>23 Q. Did he tell you why?</p> <p>24 A. Sheriff Wiles?</p> <p>25 Q. Yes.</p>	<p style="text-align: right;">108</p> <p>1 A. Because I didn't want to take Mr. Saenz out by</p> <p>2 myself.</p> <p>3 Q. How long did you wait for Mr. Flores?</p> <p>4 A. I think a couple minutes.</p> <p>5 Q. Then what did you do?</p> <p>6 A. After that we -- we opened up the -- the</p> <p>7 compartment doors to where Mr. Saenz was and proceeded</p> <p>8 to escort Mr. Saenz out of the -- out of the van, have</p> <p>9 him step down out of the van.</p> <p>10 Q. And then did you proceed to walk towards the</p> <p>11 jail?</p> <p>12 A. That is correct.</p> <p>13 Q. How far away was the van parked from the door</p> <p>14 to enter the jail?</p> <p>15 A. I would say at least 40 yards.</p> <p>16 Q. 40 yards?</p> <p>17 A. Approximately.</p> <p>18 Q. Who went with you when you walked Daniel Saenz</p> <p>19 to the jail?</p> <p>20 A. It was just me and Officer Flores escorting</p> <p>21 Mr. Saenz. Mr. Matthews was escorting Detainee Johnson</p> <p>22 at the time.</p> <p>23 Q. Did Matthews stay with Detainee Johnson at all</p> <p>24 points that you observed while outside?</p> <p>25 A. When I had -- when I had Mr. -- Mr. Matthews</p>
<p style="text-align: right;">107</p> <p>1 A. I did not have any contact with Sheriff Wiles,</p> <p>2 sir.</p> <p>3 Q. Did anybody explain to you why Sheriff Wiles</p> <p>4 wanted a peace officer accompanying you whenever</p> <p>5 booking at any of his jails?</p> <p>6 A. Because we weren't considered peace officers,</p> <p>7 we were civilian transporters, civilian transport</p> <p>8 guards.</p> <p>9 Q. Was it also because of the concern that you</p> <p>10 did not have the proper training while working for G4S?</p> <p>11 MR. ORTEGA: Objection, vague and calls</p> <p>12 for speculation.</p> <p>13 MR. JIM DARNELL: Same objection.</p> <p>14 A. I don't know if that was the reason why, sir.</p> <p>15 Q. (By Mr. Gage) When you arrived to the jail in</p> <p>16 the transport van at around 5:30 p.m., what did you</p> <p>17 next do?</p> <p>18 A. When we arrived at the county jail, we parked</p> <p>19 on the Campbell Street -- yeah, Campbell Street, we got</p> <p>20 out of the van, and I was waiting for Officer Flores to</p> <p>21 meet me at the -- at the van -- at the side of the van</p> <p>22 where Mr. Saenz was located to proceed to get him out</p> <p>23 of the van so we can take him into booking.</p> <p>24 Q. Why did you have to wait for Officer Flores</p> <p>25 before taking the prisoners out of the van?</p>	<p style="text-align: right;">109</p> <p>1 in -- in -- in sight, yes.</p> <p>2 Q. All right. So you never learned that Matthews</p> <p>3 left Mr. Johnson alone to give any assistance to you or</p> <p>4 Flores with Daniel Saenz?</p> <p>5 A. No.</p> <p>6 Q. Double negative.</p> <p>7 Did you ever learn of Mr. Matthews</p> <p>8 leaving his prisoner to assist you or Mr. Flores?</p> <p>9 A. No. I think he might have just held the door</p> <p>10 for us at one point, that's about it.</p> <p>11 Q. Did you see Matthews ever leaving his prisoner</p> <p>12 to assist you and Flores with Daniel Saenz?</p> <p>13 A. No. No.</p> <p>14 Q. If you were in need of assistance at the sally</p> <p>15 port at any time taking Daniel into the jail, could</p> <p>16 Mr. Matthews have assisted you and Flores?</p> <p>17 MR. ORTEGA: Objection, vague, calls for</p> <p>18 speculation.</p> <p>19 A. I don't know if he could have or not, no.</p> <p>20 Q. (By Mr. Gage) Was he authorized to do that?</p> <p>21 A. He was authorized, yes.</p> <p>22 Q. Was it part of the duties of a transport</p> <p>23 officer, as you understood them, that if you see one of</p> <p>24 your partner transport officers struggling with a</p> <p>25 prisoner and in need of assistance that you are</p>

110	112
<p>1 supposed to go over there and render aid?</p> <p>2 A. That's correct.</p> <p>3 Q. All right. You were trained to do that.</p> <p>4 Right?</p> <p>5 A. Yes, I was. Yes.</p> <p>6 Q. There was nothing that blocked the view of</p> <p>7 Mr. Matthews observing you and Flores as you walked</p> <p>8 from the van to the entrance of the jail. True</p> <p>9 statement?</p> <p>10 MR. ORTEGA: Objection, calls for</p> <p>11 speculation.</p> <p>12 MR. JIM DARNELL: Same objection.</p> <p>13 A. Yes, sir, I don't know if there was anything</p> <p>14 blocking his view or not.</p> <p>15 Q. (By Mr. Gage) Well, between the van and the</p> <p>16 door, was there a wall, a building, a tree, a car?</p> <p>17 A. There's -- there's trees, there's a wall, but</p> <p>18 I don't know if that was in his line of sight, I'm not</p> <p>19 sure.</p> <p>20 Q. All right. Did Matthews ever tell you that he</p> <p>21 would have assisted you, but he couldn't see you at any</p> <p>22 time?</p> <p>23 A. No, sir, I did not have -- he did not tell me</p> <p>24 that.</p> <p>25 Q. How long did it take you to walk the 40 yards</p>	<p>1 Yes.</p> <p>2 Q. You saw the actual event?</p> <p>3 A. Yes, I did.</p> <p>4 Q. That's a very important event to record.</p> <p>5 Right?</p> <p>6 A. That's correct.</p> <p>7 Q. You recorded all of the important events in</p> <p>8 your statement of March 8th, didn't you?</p> <p>9 A. That's correct.</p> <p>10 Q. But you never put into your statement of</p> <p>11 March 8th that you personally observed him striking the</p> <p>12 door, did you?</p> <p>13 A. Yes, sir, I did, I put it in my statement.</p> <p>14 Q. What -- what did you see Daniel doing to</p> <p>15 strike his head?</p> <p>16 A. He was -- he was kind of swinging his head</p> <p>17 back and forth, front to back and side to side, his</p> <p>18 arms still flailing against us. And then it -- it felt</p> <p>19 like he dropped to his knees, and then while the door</p> <p>20 was being held open, he -- he like swung his head</p> <p>21 towards the door frame and hit it pretty hard.</p> <p>22 Q. You put all that information into your report</p> <p>23 because that was important information. Correct?</p> <p>24 A. That is correct.</p> <p>25 Q. You put into your report arms flailing, head</p>
111	113
<p>1 from the van to the jail?</p> <p>2 A. My approximate guess would be about five to</p> <p>3 ten minutes.</p> <p>4 Q. It took five to ten minutes to walk 40 yards?</p> <p>5 A. That's correct.</p> <p>6 Q. What was going on during those five to ten</p> <p>7 minutes while you walked 40 yards?</p> <p>8 A. Well, we were -- we were attempting to escort</p> <p>9 Mr. -- Mr. Saenz and we kept having to stop because he</p> <p>10 kept -- he kept jumping and stop -- like stopping</p> <p>11 himself and kept having to re- -- re- -- regain control</p> <p>12 of his arms and having to talk to him and having to</p> <p>13 escort him physically. And then it's a ramp, it's a</p> <p>14 pretty steep ramp, so we can't just haul -- haul down</p> <p>15 it, we have to walk carefully.</p> <p>16 Q. A downhill ramp?</p> <p>17 A. Yes, that's correct. Yes.</p> <p>18 Q. Did Daniel appear scared to you as you were</p> <p>19 taking him into the jail?</p> <p>20 A. He seemed paranoid and -- and scared, yes.</p> <p>21 Q. When you got to the door you did not see</p> <p>22 Daniel striking his head at all, did you?</p> <p>23 A. I did, sir.</p> <p>24 Q. You saw it?</p> <p>25 A. That he struck his head on the door frame?</p>	<p>1 going side to side. Correct?</p> <p>2 A. Back and forth, yes.</p> <p>3 Q. It was also important to note how long it took</p> <p>4 you to walk with Daniel down the sally port to enter</p> <p>5 the jail. Correct?</p> <p>6 MR. ORTEGA: Objection, vague.</p> <p>7 A. I don't know if it was important to note the</p> <p>8 time, but I wasn't asked that at the time.</p> <p>9 Q. (By Mr. Gage) Did you note the time?</p> <p>10 A. No, I did not.</p> <p>11 Q. When you were taking Daniel to the county jail</p> <p>12 down the ramp, do you know what your partner Matthews</p> <p>13 was doing?</p> <p>14 A. He was coming down the ramp with Detainee</p> <p>15 Johnson.</p> <p>16 Q. So you could see him?</p> <p>17 A. Peripherals, that's about it.</p> <p>18 Q. How far behind you was he?</p> <p>19 A. I'm going to say approximately between ten</p> <p>20 and -- sorry -- seven to ten yards.</p> <p>21 Q. Did -- as you were taking these five to ten</p> <p>22 minutes to walk down the ramp and start and stop, did</p> <p>23 Matthews ever go around you since you were taking such</p> <p>24 a long time to go a short distance?</p> <p>25 A. No, not that I recall, sir.</p>

<p style="text-align: right;">114</p> <p>1 Q. When you stopped did he just stop behind you?</p> <p>2 A. Mr. Matthews?</p> <p>3 Q. Yes.</p> <p>4 A. Yes.</p> <p>5 Q. So the way the scene unfolded is you and</p> <p>6 Flores were walking down this short hill to the jail</p> <p>7 with Daniel. Daniel would stop. You and Flores would</p> <p>8 stop. Matthews, who was a few yards behind you, would</p> <p>9 also stop. Correct?</p> <p>10 A. I don't know if he would stop or not.</p> <p>11 Q. Did he ever bang into you --</p> <p>12 A. No.</p> <p>13 Q. -- when you guys were stopping?</p> <p>14 A. No.</p> <p>15 Q. Did he ever go around you when you guys were</p> <p>16 stopping?</p> <p>17 A. Not that I remember.</p> <p>18 Q. The only logical explanation, then, is if he</p> <p>19 didn't reach you, as you're stopped for a significant</p> <p>20 period of time, is Mr. Matthews stopped as well.</p> <p>21 Agreed?</p> <p>22 MR. ORTEGA: Objection, calls for</p> <p>23 speculation.</p> <p>24 A. It depends on how long we were stopped for. I</p> <p>25 mean if we were stopped for one or two seconds and we</p>	<p style="text-align: right;">116</p> <p>1 to your observation?</p> <p>2 A. Yes, to my observation the door was open. He</p> <p>3 pressed the button to contact the -- the head officer</p> <p>4 at the county jail that we had -- we were arriving with</p> <p>5 prisoners.</p> <p>6 Q. What did you next see?</p> <p>7 A. That Mr. Flores opened -- excuse me -- opened</p> <p>8 the door and he was -- he was opening it. That's what</p> <p>9 I saw.</p> <p>10 Q. And what happened immediately after he opened</p> <p>11 the door?</p> <p>12 A. As -- as he opened -- was holding the door</p> <p>13 open, Mr. Saenz was, like I said, struggling with us,</p> <p>14 he was being combative with us, and I saw Mr. Saenz</p> <p>15 drop to his knees and -- it seemed like he dropped to</p> <p>16 his knees and then he -- he struck his head with great</p> <p>17 force on the -- on the -- on the door frame.</p> <p>18 Q. So the first thing you saw was Mr. Saenz</p> <p>19 dropping to his knees.</p> <p>20 MR. ORTEGA: Objection, mischaracterizes.</p> <p>21 Q. (By Mr. Gage) And the second thing you saw</p> <p>22 was him striking his head on the door. Is that</p> <p>23 accurate?</p> <p>24 MR. JIM DARNELL: Object, misstatement.</p> <p>25 MR. ORTEGA: Objection,</p>
<p style="text-align: right;">115</p> <p>1 kept walking, he's not going to catch up.</p> <p>2 Q. (By Mr. Gage) You were stopped for five to</p> <p>3 ten minutes. Is that --</p> <p>4 A. No, it took -- no, I said that we -- it took</p> <p>5 us five to ten minutes to walk towards the door, not</p> <p>6 stopped for five to ten minutes.</p> <p>7 Q. When the county jail --</p> <p>8 MR. ORTEGA: I'm sorry, Mr. Gage, I think</p> <p>9 the -- Mr. Romero needs to use the restroom.</p> <p>10 THE WITNESS: Yes, sir. I'm sorry. I've</p> <p>11 been drinking a lot of water. Can I use the --</p> <p>12 MR. GAGE: If you need to go. Just the</p> <p>13 last break took over 20 minutes and I'm going to insist</p> <p>14 that it not be so long this time. Just two or three</p> <p>15 minutes should be --</p> <p>16 THE WITNESS: That's fine, yes, sir.</p> <p>17 MR. GAGE: Thank you. Off record.</p> <p>18 Change the tape, please.</p> <p>19 THE VIDEOGRAPHER: The time is 12:41 p.m.</p> <p>20 We're now off the record.</p> <p>21 (A recess was had.)</p> <p>22 THE VIDEOGRAPHER: The time is 12:46 p.m.</p> <p>23 We're back on the record.</p> <p>24 Q. (By Mr. Gage) When the door was -- when you</p> <p>25 got to the door, was the door opened by Officer Flores</p>	<p style="text-align: right;">117</p> <p>1 mischaracterization of his testimony.</p> <p>2 A. It seemed like he dropped to his knees, sir,</p> <p>3 but --</p> <p>4 Q. (By Mr. Gage) And after dropping to his</p> <p>5 knees, then he hit his head. Correct?</p> <p>6 MR. ORTEGA: Objection, mischaracterizes</p> <p>7 his testimony.</p> <p>8 MR. JIM DARNELL: Same objection.</p> <p>9 A. It seemed like Mr. Saenz dropped to his knees</p> <p>10 and he was -- he was swinging his head back and forth,</p> <p>11 side -- side to side, back and forth. And at that</p> <p>12 point as we were crossing the threshold of the door,</p> <p>13 that's when he struck his head. I believe it was at</p> <p>14 the topside -- yeah, he struck the topside of his head</p> <p>15 on the door frame.</p> <p>16 Q. (By Mr. Gage) He was on his knees when you</p> <p>17 saw that happen. Correct?</p> <p>18 MR. JIM DARNELL: Object to</p> <p>19 mischaracterization of testimony.</p> <p>20 MR. ORTEGA: Same objection.</p> <p>21 A. I don't know if he was on his knees or not.</p> <p>22 It seemed like he was because of his weight.</p> <p>23 Q. (By Mr. Gage) So what happened is you were</p> <p>24 trying to get ahold of Mr. Saenz's arms, at which point</p> <p>25 you saw him drop to the ground and fall on his knees.</p>

<p style="text-align: right;">118</p> <p>1 Is that true?</p> <p>2 A. No, that's not true, sir.</p> <p>3 Q. It's not true.</p> <p>4 A. It seemed like he dropped to his knees.</p> <p>5 Q. After he dropped to the ground and fell on his</p> <p>6 knees, did both Officer Flores and you grab ahold of</p> <p>7 Mr. Saenz?</p> <p>8 MR. JIM DARNELL: Object to the</p> <p>9 misstatement of the testimony.</p> <p>10 MR. ORTEGA: Same objection.</p> <p>11 A. We always had control of Mr. Saenz whether he</p> <p>12 was standing or on his knees, sir.</p> <p>13 Q. (By Mr. Gage) So tell me if this is a true</p> <p>14 statement or not a true statement from your</p> <p>15 recollection. That: Once the door was opened, Officer</p> <p>16 Flores kept it open, at which time Arrestee Saenz</p> <p>17 dropped to the ground and fell on his knees. Both</p> <p>18 Officer Flores and I grabbed ahold of Arrestee Saenz's</p> <p>19 arms and did not let him drop completely to the ground.</p> <p>20 Is that a true statement?</p> <p>21 A. That's the statement I gave to the El Paso</p> <p>22 police detective and --</p> <p>23 Q. I'm asking is that a true statement?</p> <p>24 A. Whether or not he dropped to his knees?</p> <p>25 Q. Is it a true statement that Mr. Saenz dropped</p>	<p style="text-align: right;">120</p> <p>1 Q. Did you keep dragging him past the door so</p> <p>2 that he would not hit himself again?</p> <p>3 MR. ORTEGA: Objection,</p> <p>4 mischaracterize -- mischaracterize -- mischaracterizes</p> <p>5 his testimony.</p> <p>6 MR. JIM DARNELL: Same objection that he</p> <p>7 said.</p> <p>8 A. No, sir.</p> <p>9 Q. (By Mr. Gage) Your answer is "No, sir?"</p> <p>10 A. No, we didn't drag him. We attempted to carry</p> <p>11 him.</p> <p>12 Q. Did you drag Mr. Saenz past the gun lockers?</p> <p>13 A. No, sir, we did not drag Mr. Saenz past the</p> <p>14 gun lockers.</p> <p>15 Q. After the gun lockers, did you have Mr. Saenz</p> <p>16 stand up against the metal doors?</p> <p>17 A. That is correct, sir. After the -- we passed</p> <p>18 the gun lockers, we had Mr. Saenz stand up against the</p> <p>19 metal doors or the -- the chain link fence.</p> <p>20 Q. When you were over by the door with Mr. Saenz</p> <p>21 as you were entering and he hit his head, did you see</p> <p>22 his head bleeding at all --</p> <p>23 A. I saw --</p> <p>24 Q. -- at that point?</p> <p>25 Go ahead.</p>
<p style="text-align: right;">119</p> <p>1 to the ground, fell on his knees, then both you and</p> <p>2 Officer Flores grabbed ahold of him, of his arms, and</p> <p>3 did not let him drop completely to the ground? Is that</p> <p>4 a true statement of what occurred?</p> <p>5 MR. ORTEGA: Is that before or after</p> <p>6 Mr. Saenz struck his head?</p> <p>7 Q. (By Mr. Gage) Answer my question as framed.</p> <p>8 MR. ORTEGA: Objection, vague.</p> <p>9 MR. JIM DARNELL: May he see his</p> <p>10 statement?</p> <p>11 Q. (By Mr. Gage) Answer my question as framed,</p> <p>12 please.</p> <p>13 MR. ORTEGA: If you could recall.</p> <p>14 A. Yes, I don't -- I don't recall if he was</p> <p>15 either standing or dropped to his knees, sir.</p> <p>16 Q. (By Mr. Gage) Did you drag Mr. Saenz through</p> <p>17 the county jail door after he fell onto his knees?</p> <p>18 A. No, sir, we didn't drag him, we carried him.</p> <p>19 Q. After you started to carry Mr. Saenz through</p> <p>20 the door, did you see him at that point shake his head</p> <p>21 to the left and hit the door frame?</p> <p>22 A. After we passed the door?</p> <p>23 Q. Correct.</p> <p>24 A. No, he struck it at -- at the threshold, not</p> <p>25 after.</p>	<p style="text-align: right;">121</p> <p>1 A. Yes, at that point when he was against the</p> <p>2 chain link fence, that's when I saw -- when I noticed</p> <p>3 Mr. Saenz was bleeding.</p> <p>4 Q. My question is you said you saw him entering</p> <p>5 the jail, hit his head. Did you see it bleeding after</p> <p>6 that?</p> <p>7 A. Yes.</p> <p>8 Q. You did. And it was -- his face was full of</p> <p>9 blood at that point. Correct?</p> <p>10 A. I don't remember if it was his face, but I</p> <p>11 know it was part of his forehead.</p> <p>12 Q. All right. How far is it from the door where</p> <p>13 you saw the blood from the forehead of -- of Daniel</p> <p>14 until you got to where the gun lockers were?</p> <p>15 A. The door from the gun locker is about</p> <p>16 approximately five feet from each other.</p> <p>17 Q. How much time passed between the time that</p> <p>18 Daniel hit his head and the time that you tried to put</p> <p>19 your guns into the lockers?</p> <p>20 A. How much time had passed?</p> <p>21 Q. Yes.</p> <p>22 A. I would say roughly an approximate amount of</p> <p>23 time of three minutes.</p> <p>24 Q. It took you three minutes to go five feet.</p> <p>25 Correct?</p>

<p style="text-align: right;">122</p> <p>1 A. No. It was -- we passed the gun lockers with</p> <p>2 Mr. Saenz propping him up against the -- the -- the</p> <p>3 chain link fence and some detention officers saw us,</p> <p>4 they -- they held Mr. Saenz at that point. At which</p> <p>5 time me and Officer Flores went back to the gun lockers</p> <p>6 and put our equipment up.</p> <p>7 Q. How long was it from the time that you saw</p> <p>8 Daniel -- Daniel's head start to bleed until you got</p> <p>9 him to the chain link fence that he was held up on by</p> <p>10 you?</p> <p>11 A. How much time had passed since I had --</p> <p>12 Q. Yes.</p> <p>13 A. -- since I had noticed him bleeding and</p> <p>14 then --</p> <p>15 Q. How much time from when you enter the door --</p> <p>16 you said you saw his head injured at that point.</p> <p>17 Correct?</p> <p>18 A. Yes.</p> <p>19 Q. How much time passed from then until he was</p> <p>20 propped against the chain link fence?</p> <p>21 A. And it happened in a matter of seconds. I</p> <p>22 would have to say about 20 to 30 seconds. I'm not too</p> <p>23 sure.</p> <p>24 Q. And the three of you walked to that fence.</p> <p>25 Correct?</p>	<p style="text-align: right;">124</p> <p>1 MR. ORTEGA: Objection, vague.</p> <p>2 A. I would assume so, sir.</p> <p>3 Q. (By Mr. Gage) Pardon me?</p> <p>4 A. I would -- I would think so, yes.</p> <p>5 Q. That was important enough for you to want to</p> <p>6 document the grunting noises, his using his knees,</p> <p>7 things of that sort. Correct?</p> <p>8 A. That's correct.</p> <p>9 Q. After those detention officers were there,</p> <p>10 they kept track of Daniel while you and Flores put your</p> <p>11 guns and ammunition into the locker. Correct?</p> <p>12 A. They had ahold of Mr. Saenz, that's correct.</p> <p>13 Q. Where was Matthews at that point?</p> <p>14 A. I believe -- while me and Flores were putting</p> <p>15 up our stuff?</p> <p>16 Q. Correct.</p> <p>17 A. I don't recall where he was, sir, no.</p> <p>18 Q. Did you see him behind you at all or in front</p> <p>19 of you or anything at all?</p> <p>20 MR. JIM DARNELL: Object, asked and</p> <p>21 answered.</p> <p>22 MR. ORTEGA: And calls for speculation.</p> <p>23 Q. (By Mr. Gage) Go ahead.</p> <p>24 A. No, sir, I don't know where he was. I don't</p> <p>25 recall where he was, sir.</p>
<p style="text-align: right;">123</p> <p>1 A. We escorted Mr. Saenz to the fence, yes.</p> <p>2 Q. He was walking as you escorted him?</p> <p>3 A. Yes.</p> <p>4 Q. At any point did you notice that Daniel's face</p> <p>5 was full of blood?</p> <p>6 A. I noticed it when we were in the elevators.</p> <p>7 Q. That was the first time?</p> <p>8 A. That was the first time I noticed it.</p> <p>9 Q. How long was it from the time that you took</p> <p>10 him to the fence to stand him up until he got to the</p> <p>11 elevators?</p> <p>12 A. About five to eight minutes.</p> <p>13 Q. So it was approximately six to nine minutes</p> <p>14 from the time that Daniel's head hit the door frame</p> <p>15 until you first noticed the blood all over his face,</p> <p>16 that his face was full of blood. Is that correct?</p> <p>17 A. Approximately, yes.</p> <p>18 Q. When you had Daniel up against the fence or</p> <p>19 door by the lockers, how was he acting at that point?</p> <p>20 A. He was pushing off the fence with his knees,</p> <p>21 being combative against me and Flores, and also the</p> <p>22 detention officers, grunting and making -- I guess</p> <p>23 noises, grunting noises, yelling.</p> <p>24 Q. All that would be important information to put</p> <p>25 into your witness statement as well. Correct?</p>	<p style="text-align: right;">125</p> <p>1 Q. Once you secured your guns and ammunition,</p> <p>2 what did you do next?</p> <p>3 A. Me and Mr. -- after we -- me and Mr. Flores</p> <p>4 put up -- put up our equipment, we went back to --</p> <p>5 to -- to gain control of Mr. Saenz as he was in the</p> <p>6 El Paso Police Department custody.</p> <p>7 Q. What did you do?</p> <p>8 A. I'm sorry?</p> <p>9 Q. What did you do to gain control of him at that</p> <p>10 point?</p> <p>11 A. We again grabbed him by the arms like we had</p> <p>12 him before and he -- we had to pick him up, actually,</p> <p>13 because he was -- he was on the ground. I believe he</p> <p>14 had gone to his knees at that point or sat down, so we</p> <p>15 attempted to gain control of him again.</p> <p>16 Q. Again, that's something that would be</p> <p>17 important for you to have noted in your statement from</p> <p>18 March 8th. Correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Did any of the detention officers remain</p> <p>21 assisting you with Daniel after you came back from</p> <p>22 securing your guns and ammunition?</p> <p>23 A. I believe one of them did. He -- he stayed</p> <p>24 with us in the -- in the elevator once we got him into</p> <p>25 the elevator.</p>

<p>126</p> <p>1 Q. How did he assist you?</p> <p>2 A. Just watching us.</p> <p>3 Q. Is that assistance, just watching?</p> <p>4 A. In his mind, I guess.</p> <p>5 Q. In your mind?</p> <p>6 A. In my mind? I guess his presence.</p> <p>7 Q. Did you and Flores then drag Daniel to the</p> <p>8 elevators?</p> <p>9 A. Did we --</p> <p>10 Q. Did you drag him?</p> <p>11 A. No, sir, we did not.</p> <p>12 MR. JIM DARNELL: Object to misstatement.</p> <p>13 Q. (By Mr. Gage) Did you and Flores drag Daniel</p> <p>14 to the elevators from the door or fence where he had</p> <p>15 dropped down face up to the ground?</p> <p>16 MR. ORTEGA: Objection, misstates his</p> <p>17 testimony.</p> <p>18 MR. JIM DARNELL: Same objection.</p> <p>19 Q. (By Mr. Gage) Go ahead.</p> <p>20 A. No, sir, we did not drag him from where he had</p> <p>21 injured his head at the door frame to the elevators --</p> <p>22 or to the chain link fence.</p> <p>23 Q. Had Daniel dropped face down -- withdraw.</p> <p>24 Had Daniel dropped down but face up to</p> <p>25 the ground by the door or fence area?</p>	<p>128</p> <p>1 speculation.</p> <p>2 MR. JIM DARNELL: Same objection.</p> <p>3 A. I'm not sure if he was unconscious or not</p> <p>4 because he -- he would -- he would -- his head would be</p> <p>5 like this and then he would look up at us and then put</p> <p>6 his head back down.</p> <p>7 Q. (By Mr. Gage) Did you keep your hands on</p> <p>8 Daniel the whole time you were in the elevator?</p> <p>9 A. I did, sir.</p> <p>10 Q. What was Flores doing with his hands at that</p> <p>11 point?</p> <p>12 A. Also the same, just keeping him balanced -- or</p> <p>13 keeping him upright -- attempting to keep him upright.</p> <p>14 Q. When the elevator doors opened, what happened</p> <p>15 next?</p> <p>16 A. We -- we proceeded attempting to carry him</p> <p>17 back -- or into the holding tank where all the</p> <p>18 detainees, when they first arrive, that's where they</p> <p>19 go, the holding tank.</p> <p>20 Q. Were you dragging him or carrying him?</p> <p>21 A. No, we were attempting to carry him, sir.</p> <p>22 Q. So you weren't dragging him.</p> <p>23 A. No, sir.</p> <p>24 Q. After you got him to the holding tank, what</p> <p>25 happened next?</p>
<p>127</p> <p>1 A. To my recollection, he did, sir.</p> <p>2 Q. When you went into the elevator, do you know</p> <p>3 where Matthews was?</p> <p>4 A. He was right there with us in the elevator.</p> <p>5 Q. When you were inside of the elevator, what did</p> <p>6 you do with Daniel?</p> <p>7 A. We had him -- we had him -- I believe we had</p> <p>8 him sitting up against the -- the back -- yeah, the</p> <p>9 back wall of the elevator just propping him up.</p> <p>10 Q. He was against the wall --</p> <p>11 MR. ORTEGA: Hold on. I don't think he's</p> <p>12 done yet.</p> <p>13 Q. (By Mr. Gage) Finish, please.</p> <p>14 A. To my recollection we had Mr. Saenz's back</p> <p>15 against the -- the wall of the -- we sat him up against</p> <p>16 the back of the wall of the elevator and then just held</p> <p>17 him, that way he didn't fall over.</p> <p>18 Q. All right. So his back was against the wall</p> <p>19 and then you were holding him to make sure he didn't</p> <p>20 keel over as if he was falling down. Correct?</p> <p>21 A. To my recollection, yes, sir.</p> <p>22 Q. And the reason why you were holding him so he</p> <p>23 wouldn't fall over is it appeared at that point that</p> <p>24 Daniel was unconscious. Correct?</p> <p>25 MR. ORTEGA: Objection, calls for</p>	<p>129</p> <p>1 A. After we got to the holding tank, once again I</p> <p>2 believe I dropped down to my knees and attempted -- and</p> <p>3 had his -- his back against my torso to keep him</p> <p>4 upright, and we were -- we sat him in there and we were</p> <p>5 waiting for the nurses to come and assist, but they</p> <p>6 didn't, they just stayed away and I -- I didn't have</p> <p>7 any contact with them, they just -- I just saw them</p> <p>8 shake their head like this (indicating) and do this</p> <p>9 (indicating).</p> <p>10 Q. As if saying no and moving their finger. Is</p> <p>11 that what you --</p> <p>12 A. That's correct.</p> <p>13 Q. So when you had Daniel in the holding tank,</p> <p>14 you sat him on a bench. Right?</p> <p>15 A. No, not -- no, not the bench. It was on the</p> <p>16 ground still.</p> <p>17 Q. How were you holding or carrying Daniel while</p> <p>18 taking him through the jail? Can you describe that for</p> <p>19 us, please.</p> <p>20 A. It was -- I had -- I attempted to have my</p> <p>21 elbow pit under his -- either his bicep area or his</p> <p>22 armpit area.</p> <p>23 Q. Were you carrying him the way that you</p> <p>24 demonstrated earlier today with the videographer?</p> <p>25 A. That's correct.</p>

<p style="text-align: right;">130</p> <p>1 Q. And was it your right arm or your left arm on 2 Daniel's bicep?</p> <p>3 A. I don't remember what arm it was, sir.</p> <p>4 Q. Were you in front of him, to the side of him 5 or behind him as you were carrying him in the jail?</p> <p>6 MR. ORTEGA: At what point?</p> <p>7 Q. (By Mr. Gage) At any point in the jail.</p> <p>8 A. I was always on the side, on either -- we 9 would trade off.</p> <p>10 Q. One side or another?</p> <p>11 A. Yeah.</p> <p>12 Q. So as you were taking Daniel through the jail, 13 he was upright as opposed to be go dragged. Correct?</p> <p>14 A. Throughout the whole time of the jail upright?</p> <p>15 Q. Yes.</p> <p>16 A. You mean walking?</p> <p>17 Q. Right. Or you were carrying him.</p> <p>18 A. No, we -- we had to physically attempt to 19 carry him because he wasn't being cooperative at all. 20 It felt like we were carrying deadweight.</p> <p>21 Q. Was his face down or up as you were taking 22 him?</p> <p>23 A. It -- it -- it changed throughout different 24 points in the jail or as we were trying to carry him.</p> <p>25 Q. Did you ever hook his armpit in any way?</p>	<p style="text-align: right;">132</p> <p>1 A. The cuffs?</p> <p>2 Q. Yeah, the chain of the cuff.</p> <p>3 A. No. We don't carry by the cuffs, no.</p> <p>4 Q. That would be cruel. Right?</p> <p>5 MR. ORTEGA: Objection, vague.</p> <p>6 A. It's not proper, no.</p> <p>7 Q. (By Mr. Gage) Why?</p> <p>8 A. It's not proper escorting techniques.</p> <p>9 Q. Why is it not proper to drag someone with 10 their cuffs?</p> <p>11 A. Because it could inflict bodily injury on them 12 and on us.</p> <p>13 Q. What kinds of bodily injuries are you familiar 14 with that dragging someone by the cuff can cause on the 15 prisoner?</p> <p>16 A. Severed fingers.</p> <p>17 Q. Also cuts to the wrist area?</p> <p>18 A. Yes. Or broken wrist.</p> <p>19 Q. Did you put the handcuffs on Daniel?</p> <p>20 A. I did not, sir.</p> <p>21 Q. You never handcuffed him?</p> <p>22 A. No.</p> <p>23 Q. Who handcuffed Daniel, do you know?</p> <p>24 A. I have -- I have no clue, sir, who it was.</p> <p>25 Q. Was he already cuffed when you got to the</p>
<p style="text-align: right;">131</p> <p>1 A. Yes. Once we were -- once we got back down to 2 the jail, we did -- I -- I put both of my arms 3 underneath his two armpits and attempted to do what 4 they typically call a fireman's carry.</p> <p>5 Q. And where was that that you did this fireman's 6 carry?</p> <p>7 A. When we went back downstairs.</p> <p>8 Q. So it was only after you got downstairs that 9 you started the fireman's carry with your arms under 10 his armpit. Correct?</p> <p>11 A. That's correct.</p> <p>12 Q. Did you ever see Officer Flores hook his arm 13 under Daniel's armpit at any time?</p> <p>14 A. Not that I recall, no.</p> <p>15 Q. Was there a time when Daniel was face up on 16 the ground with his hands cuffed behind his back where 17 you hooked your arm under his armpit and lifted him in 18 some way while he was cuffed or with the cuffs?</p> <p>19 A. There was so many different times when we -- 20 it was -- there wasn't a set point where -- where 21 that's what we were attempting to do, but there was 22 just so many different times, I don't recall.</p> <p>23 Q. And those cuffs were able to be used to assist 24 you in dragging or carrying or lifting Daniel at times. 25 Correct?</p>	<p style="text-align: right;">133</p> <p>1 Pebble station?</p> <p>2 A. That's correct. Once we came back from 3 Mission Valley Regional Command Center, Mr. Saenz was 4 already cuffed.</p> <p>5 Q. Who did you understand was -- had control of 6 Mr. Saenz while you and Matthews were gone, so that 7 they would be the person or group of people that could 8 have been the ones to cuff Daniel?</p> <p>9 MR. JIM DARNELL: Object to speculation.</p> <p>10 MR. ORTEGA: Same objection.</p> <p>11 A. I wouldn't know who had control of him, 12 because we were at -- away at the Mission Valley, so...</p> <p>13 Q. (By Mr. Gage) Did you ever see Flores change 14 the cuffs that were on Saenz and put on his own cuffs?</p> <p>15 A. No, sir, I do not recall that.</p> <p>16 Q. So whoever's cuffs were on Daniel when you 17 left the police station, it was that same set of cuffs 18 that was on him all the way until he was shot. 19 Correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Did anyone tell you why he was double cuffed 22 with two handcuffs rather than one handcuff?</p> <p>23 A. Because he had broad shoulders and it would 24 hurt him if he only had one. So to give him more 25 flexibility on his -- on his shoulders and arms, he was</p>

<p style="text-align: right;">134</p> <p>1 double handcuffed, that way he wouldn't, I guess -- I</p> <p>2 don't want to say cramp up, but I mean it would be</p> <p>3 uncomfortable for him to have one set of handcuffs</p> <p>4 given -- given his size.</p> <p>5 Q. Who told you that?</p> <p>6 A. I'm sorry?</p> <p>7 Q. Who told you that?</p> <p>8 A. Nobody told me that, sir.</p> <p>9 MR. GAGE: Let's read the question before</p> <p>10 that answer, which I'm going to move to strike as</p> <p>11 nonresponsive.</p> <p>12 (The Court Reporter read back: Did</p> <p>13 anyone tell you why he was double cuffed</p> <p>14 with two handcuffs rather than one</p> <p>15 handcuff?)</p> <p>16 A. No, nobody told me.</p> <p>17 Q. (By Mr. Gage) Did anyone tell you whether</p> <p>18 they attempted to handcuff Daniel with one set of cuffs</p> <p>19 at any time?</p> <p>20 A. No. Not to my knowledge, no.</p> <p>21 Q. Did you at any time check to see whether he</p> <p>22 could comfortably be handcuffed with just one set of</p> <p>23 cuffs rather than two?</p> <p>24 A. I did not.</p> <p>25 Q. Did you ever see Flores looking to see if</p>	<p style="text-align: right;">136</p> <p>1 speculation.</p> <p>2 Q. (By Mr. Gage) When you returned after those</p> <p>3 few seconds, his arms continued to be behind his back</p> <p>4 handcuffed. True?</p> <p>5 A. After I put up my equipment?</p> <p>6 Q. Yes.</p> <p>7 A. That's correct.</p> <p>8 Q. So at all times when Daniel was in the jail,</p> <p>9 you saw his arms remaining behind his back handcuffed.</p> <p>10 Is that a true statement?</p> <p>11 A. That is correct.</p> <p>12 Q. Going back in time from the time you left the</p> <p>13 van until the time you entered the jail, did you ever</p> <p>14 see Daniel take his handcuffs from behind his back and</p> <p>15 put them in front of him?</p> <p>16 A. No. He did not successfully put them in front</p> <p>17 of him, no.</p> <p>18 Q. While he was in the van being taken from</p> <p>19 Pebble Hills to the county jail, at any time did you</p> <p>20 see Daniel take his arms from behind his back in</p> <p>21 handcuffs and put them in front?</p> <p>22 A. No. Not successfully, no.</p> <p>23 Q. At any time at the station at Pebble Hills,</p> <p>24 did you ever see Daniel take his arms from behind his</p> <p>25 back and put them in front of him?</p>
<p style="text-align: right;">135</p> <p>1 Daniel could be handcuffed with one cuff comfortably</p> <p>2 rather than two?</p> <p>3 A. I did not.</p> <p>4 Q. Did you ever learn of Daniel taking his arms</p> <p>5 while handcuffed behind his back and moving them to the</p> <p>6 front of his body?</p> <p>7 A. Did I ever observe him do that?</p> <p>8 Q. Yes.</p> <p>9 A. No, but I had heard he had.</p> <p>10 Q. Okay. You never saw that happen. Is that a</p> <p>11 true statement?</p> <p>12 A. That's correct.</p> <p>13 Q. You were with him the entire time from the</p> <p>14 time that you entered the jail until he was shot other</p> <p>15 than a few seconds when you were putting your gun in</p> <p>16 the locker. Correct?</p> <p>17 A. That's correct.</p> <p>18 Q. And even in those few seconds, you were just a</p> <p>19 few feet away from Daniel. Correct?</p> <p>20 A. That's correct.</p> <p>21 Q. And during those few seconds, when you put</p> <p>22 your gun into the locker, his arms were behind his back</p> <p>23 handcuffed. Right?</p> <p>24 A. Yes.</p> <p>25 MR. ORTEGA: Objection, calls for</p>	<p style="text-align: right;">137</p> <p>1 A. No, I did not observe that, no.</p> <p>2 Q. At any time from the time you got into the van</p> <p>3 until you -- until he was shot, did anyone tell you</p> <p>4 that they saw Daniel actually move his arms from behind</p> <p>5 his back and put them in front?</p> <p>6 A. That's correct.</p> <p>7 Q. Who told you they saw that?</p> <p>8 A. I believe it was Matthews, sir.</p> <p>9 Q. But Matthews did -- was there a time when</p> <p>10 Matthews was alone with Daniel?</p> <p>11 A. They were in the cell together. Because I got</p> <p>12 there late, so Matthews was --</p> <p>13 Q. Sorry. Finish your answer, then I'll move to</p> <p>14 strike.</p> <p>15 A. As I said before, I got there late, so it was</p> <p>16 the transport officer Matthews, at that time the</p> <p>17 processing officers, and also Pebble Hills police</p> <p>18 officers in the cell area with Mr. Saenz.</p> <p>19 MR. GAGE: Move to strike, nonresponsive.</p> <p>20 Let's hear the question back.</p> <p>21 (The Court Reporter read back: But</p> <p>22 Matthews did -- was there a time when</p> <p>23 Matthews was alone with Daniel?)</p> <p>24 MR. GAGE: No, before that.</p> <p>25 (The Court Reporter read back: Who told</p>

<p style="text-align: right;">138</p> <p>1 you they saw that?)</p> <p>2 MR. GAGE: Before that.</p> <p>3 (The Court Reporter read back: At any</p> <p>4 time from the time you got into the van</p> <p>5 until you -- until he was shot, did</p> <p>6 anyone tell you that they saw Daniel</p> <p>7 actually move his arms from behind his</p> <p>8 back and put them in front?)</p> <p>9 A. Mr. Matthews.</p> <p>10 Q. (By Mr. Gage) Did anyone tell you that during</p> <p>11 the time frame that Daniel first entered the van until</p> <p>12 the time he was shot, in that time sequence, that</p> <p>13 Daniel had ever moved his arms from behind his back to</p> <p>14 the front of his back while handcuffed?</p> <p>15 A. While he was in the van towards the -- and</p> <p>16 then from the van all the way to the county jail?</p> <p>17 Q. Correct. Did he ever do it at that point in</p> <p>18 time?</p> <p>19 A. No. Not successfully, no.</p> <p>20 Q. When you say "not successfully," that is he</p> <p>21 might have tried --</p> <p>22 A. He might have --</p> <p>23 Q. -- but it was not able to be done by him.</p> <p>24 Correct?</p> <p>25 A. That's correct, he was attempting to.</p>	<p style="text-align: right;">140</p> <p>1 Q. Isn't it a fact that all that Daniel was doing</p> <p>2 in the holding tank was staying silent, occasionally</p> <p>3 looking up and around and then dropping his head back</p> <p>4 down?</p> <p>5 A. That's what he was doing, yes.</p> <p>6 Q. And how long was Daniel in this holding tank</p> <p>7 doing nothing more than looking up and down and then</p> <p>8 putting his head back down?</p> <p>9 MR. JIM DARNELL: Misstatement of the</p> <p>10 testimony.</p> <p>11 MR. ORTEGA: Same objection.</p> <p>12 Q. (By Mr. Gage) Go ahead.</p> <p>13 A. I don't recall how much time it was, sir.</p> <p>14 Q. Five minutes? Ten minutes? What's your best</p> <p>15 estimate?</p> <p>16 A. My best estimate would be about five, six</p> <p>17 minutes.</p> <p>18 Q. And Flores was with you that entire time.</p> <p>19 Correct?</p> <p>20 A. To the best of my knowledge, yes.</p> <p>21 Q. Then what happened?</p> <p>22 A. What happened after what, sir?</p> <p>23 Q. After those five to six minutes, what happened</p> <p>24 next?</p> <p>25 A. We were there and then Mr. Flores said, "We're</p>
<p style="text-align: right;">139</p> <p>1 Q. When you took Daniel into the holding tank,</p> <p>2 did both you and Flores remain in the holding tank with</p> <p>3 Daniel at all times?</p> <p>4 A. That's correct.</p> <p>5 Q. Were there any other people in the holding</p> <p>6 tank besides the three of you?</p> <p>7 A. I believe just Mr. Johnson. And at various</p> <p>8 points I believe Mr. Matthews would walk in and out of</p> <p>9 the tank.</p> <p>10 Q. While you were in the tank, was Daniel saying</p> <p>11 anything?</p> <p>12 A. Not that I remember, no.</p> <p>13 Q. Was he fighting you at all?</p> <p>14 A. Not in the tank, no.</p> <p>15 Q. Was he uncooperative at all?</p> <p>16 A. We were trying to keep him upright and we kept</p> <p>17 telling him, "Daniel, sit up, sit up," and he wouldn't</p> <p>18 sit up, he just kept slouching.</p> <p>19 Q. And that's something that would be important</p> <p>20 to put into your statement as well. Correct?</p> <p>21 MR. ORTEGA: Objection, vague.</p> <p>22 Q. (By Mr. Gage) Your statement of March 8th,</p> <p>23 2013. Correct?</p> <p>24 A. There was a lot of different things that</p> <p>25 happened that day, I don't remember all -- everything.</p>	<p style="text-align: right;">141</p> <p>1 going to have to get a -- a medical release." So we</p> <p>2 said, "We're going" -- he said, "We're going to have to</p> <p>3 take him back downstairs." And that's when I said -- I</p> <p>4 believe I said -- I believe I said -- I affirmed with</p> <p>5 him and -- or said okay and we went back downstairs</p> <p>6 with Mr. Saenz.</p> <p>7 Q. Did you hear any of the nurses or detention</p> <p>8 officers yelling to, "Get him out of here," that is to</p> <p>9 get Mr. Saenz out of there?</p> <p>10 A. I don't remember them yelling that, no.</p> <p>11 Q. Did you talk with anyone at the nurses'</p> <p>12 station after taking Daniel upstairs?</p> <p>13 A. I did not because I was taking care of</p> <p>14 Mr. Saenz.</p> <p>15 Q. Did you hear Flores at any time speaking to</p> <p>16 anybody at the nurses' station?</p> <p>17 A. Not that I remember, no.</p> <p>18 Q. Did you see Flores speaking with anyone at the</p> <p>19 nurses' station?</p> <p>20 A. Not -- not that I remember, sir.</p> <p>21 Q. From the time that you, Flores and Daniel</p> <p>22 entered the jail until the time that you left the</p> <p>23 holding tank upstairs, at any time did you hear Flores</p> <p>24 calling for medical treatment for Daniel?</p> <p>25 A. From the time we entered to the holding tank,</p>

<p style="text-align: right;">142</p> <p>1 no.</p> <p>2 Q. Did you believe that Daniel needed medical</p> <p>3 treatment during that time?</p> <p>4 A. Yes, because of his wound.</p> <p>5 Q. Did you -- was he under your care, control and</p> <p>6 custody as well as Officer Flores'?</p> <p>7 MR. ORTEGA: Objection, calls for a legal</p> <p>8 conclusion.</p> <p>9 MR. JIM DARNELL: Same objection.</p> <p>10 Q. (By Mr. Gage) Go ahead.</p> <p>11 A. I believe that he was under control of -- he</p> <p>12 was under custody of the El Paso police and I was -- we</p> <p>13 were trying to get him help as far as getting him to</p> <p>14 the nurses' station, but they --</p> <p>15 MR. GAGE: Move to strike, nonresponsive.</p> <p>16 Q. (By Mr. Gage) Did you take control over</p> <p>17 Daniel personally while he was handcuffed at any time?</p> <p>18 A. Did I take control of him?</p> <p>19 Q. Yes.</p> <p>20 MR. ORTEGA: Objection, vague.</p> <p>21 MR. JIM DARNELL: Calls for a legal</p> <p>22 conclusion.</p> <p>23 MR. ORTEGA: I join the objection.</p> <p>24 A. No, I never had -- as far as us having custody</p> <p>25 of him, complete custody of him, no.</p>	<p style="text-align: right;">144</p> <p>1 enforcement officer on what a control hold is. That's</p> <p>2 your testimony. Correct?</p> <p>3 MR. ORTEGA: Objection, vague.</p> <p>4 A. I've been trained on what escort holds are,</p> <p>5 yes.</p> <p>6 Q. (By Mr. Gage) I'm asking you a control hold.</p> <p>7 That's a term that until today you had no knowledge</p> <p>8 what that was. Correct?</p> <p>9 A. I don't know what you mean by "control hold,"</p> <p>10 sir.</p> <p>11 Q. All right. When you were a detection officer</p> <p>12 back before working for G4S security, in that job they</p> <p>13 did not teach you about control holds. That's your</p> <p>14 testimony. True?</p> <p>15 MR. ORTEGA: Objection, vague.</p> <p>16 A. They taught us how to escort detainees.</p> <p>17 Q. (By Mr. Gage) Did they teach you control</p> <p>18 holds? Yes or no.</p> <p>19 A. I don't know what a control hold is.</p> <p>20 Q. That's fine. At G4S, including in the</p> <p>21 college, did they ever teach you what a control hold</p> <p>22 is? Yes or no.</p> <p>23 A. No.</p> <p>24 Q. During the six months when you were in the</p> <p>25 academy with the El Paso Police Department, did they</p>
<p style="text-align: right;">143</p> <p>1 Q. (By Mr. Gage) Was there ever a time where you</p> <p>2 were keeping Daniel in a control hold while you were</p> <p>3 with him in the jail?</p> <p>4 MR. ORTEGA: Objection, vague.</p> <p>5 A. We were attempting to have control.</p> <p>6 Q. (By Mr. Gage) Not we. I'm asking you about</p> <p>7 you personally, Mr. Romero.</p> <p>8 A. Did I ever have control of Mr. Saenz?</p> <p>9 Q. Yes.</p> <p>10 MR. ORTEGA: No. The question was did</p> <p>11 you have a control hold over him?</p> <p>12 MR. GAGE: Correct.</p> <p>13 MR. ORTEGA: If you know what a control</p> <p>14 hold is.</p> <p>15 A. I'm not sure what a control hold is, no.</p> <p>16 Q. (By Mr. Gage) Really? So in all of the</p> <p>17 training that you've had as a law enforcement officer</p> <p>18 all the way until today, August 8, 2017, you have no</p> <p>19 understanding of what a control hold is of a suspect.</p> <p>20 Is that your testimony?</p> <p>21 A. I think a control hold could be anything to</p> <p>22 anybody. We -- they would call it different things,</p> <p>23 just not control holds.</p> <p>24 Q. All right. So you've never been trained in</p> <p>25 any training that you've gone through as a law</p>	<p style="text-align: right;">145</p> <p>1 ever teach you what a control hold is?</p> <p>2 MR. ORTEGA: Objection vague.</p> <p>3 A. No, sir.</p> <p>4 Q. (By Mr. Gage) After working for El Paso PD,</p> <p>5 did you get any further training in law enforcement by</p> <p>6 any agency anywhere in the world?</p> <p>7 A. Did I receive any training --</p> <p>8 Q. Correct.</p> <p>9 A. -- after El Paso Police Department?</p> <p>10 Q. Yes.</p> <p>11 A. That is correct, I did.</p> <p>12 Q. Where did you get that training?</p> <p>13 A. What training are you talking about?</p> <p>14 Q. Any training in law enforcement.</p> <p>15 A. Okay. U.S. Customs and Border Protection.</p> <p>16 Q. What kind of training did you go through with</p> <p>17 them?</p> <p>18 A. I went through physical training, firearms</p> <p>19 training, ground tactics, OC, baton, taser.</p> <p>20 Q. How to control a suspect?</p> <p>21 A. And how to escort one, yes.</p> <p>22 Q. How to hold a suspect?</p> <p>23 A. Yes.</p> <p>24 Q. During that training did you learn about a</p> <p>25 control hold?</p>

<p>146</p> <p>1 MR. ORTEGA: Objection vague.</p> <p>2 A. With the U.S. Customs and Border Protection?</p> <p>3 Q. (By Mr. Gage) Correct.</p> <p>4 A. To the best of my knowledge, we -- yes, I</p> <p>5 believe so we did.</p> <p>6 Q. So what is your understanding of what a</p> <p>7 control hold is since you finally got that training</p> <p>8 recently with the U.S. Customs?</p> <p>9 A. How to escort a subject.</p> <p>10 Q. All right. Did you hear anyone calling for</p> <p>11 medical assistance for Daniel from the time that you</p> <p>12 entered the jail, as you went up the elevator, stayed</p> <p>13 in the holding cell, came back down the elevator, but</p> <p>14 before leaving the door to go outside in the driveway,</p> <p>15 did you hear anyone at any time calling for medical</p> <p>16 assistance for Daniel?</p> <p>17 A. Mr. Flores, yes.</p> <p>18 Q. When did you hear him calling for medical</p> <p>19 assistance?</p> <p>20 A. When we were back down near the gun lockers.</p> <p>21 Q. What did you hear him say?</p> <p>22 A. I don't remember what he was saying, sir.</p> <p>23 Q. Who did he ask for assistance from?</p> <p>24 A. To the best of my knowledge and recollection,</p> <p>25 I believe he was on the phone with his supervisor and</p>	<p>148</p> <p>1 present that he's in good health -- or that's what I</p> <p>2 assume they would say -- they give us that paperwork,</p> <p>3 we take him back to the county jail, and then that's</p> <p>4 when the county jail nurses accept it as a medical</p> <p>5 release.</p> <p>6 Medical attention, in my opinion, is</p> <p>7 someone that's suffering from a medical emergency and</p> <p>8 they need to have medical attention at that point or</p> <p>9 right away.</p> <p>10 Q. So what you heard Flores saying on the radio</p> <p>11 is, "We need to get a medical release for Daniel," as</p> <p>12 opposed to getting medical attention. Is that</p> <p>13 accurate?</p> <p>14 A. I don't remember him saying that on the radio</p> <p>15 or if he ever said that on the radio.</p> <p>16 Q. Do you remember whether when Flores was on the</p> <p>17 radio downstairs calling about something medical for</p> <p>18 Daniel whether he was asking about a medical release or</p> <p>19 medical attention?</p> <p>20 A. He just -- I remember him just requesting</p> <p>21 medical EMS, which is an ambulance, basically. I don't</p> <p>22 know if he was requesting either a medical release or</p> <p>23 medical attention.</p> <p>24 Q. Have you ever learned that jails will have</p> <p>25 wheelchairs for the inmates that have some disability</p>
<p>147</p> <p>1 then I believe he was on the radio with the dispatch.</p> <p>2 Q. What time of night was it when you heard</p> <p>3 Flores for the first time calling for any assistance</p> <p>4 medically for Daniel?</p> <p>5 A. I would say it would have had to be</p> <p>6 approximately close to 18:00 hours, 6:00.</p> <p>7 Q. The shooting itself happened about 6:30 p.m.</p> <p>8 Correct?</p> <p>9 A. I -- I believe so, sir.</p> <p>10 Q. What happened between the time that you heard</p> <p>11 Flores on dispatch and the shooting --</p> <p>12 That's a bad question. Withdraw.</p> <p>13 After you were upstairs in the holding</p> <p>14 cell, did you have a conversation with Flores as to</p> <p>15 what to do next?</p> <p>16 A. Once we got back downstairs, yes.</p> <p>17 Q. Okay. How did you know to go from upstairs in</p> <p>18 the holding cell to downstairs?</p> <p>19 A. Because Mr. Flores said, "We're going to go</p> <p>20 back downstairs. Let's take Mr. Saenz back downstairs</p> <p>21 to -- so we can get a medical release on him."</p> <p>22 Q. What's the difference between a medical</p> <p>23 release and medical attention to your mind?</p> <p>24 A. In my opinion a medical release is taking</p> <p>25 someone to the hospital and saying, "He's okay." We</p>	<p>149</p> <p>1 and can't walk well on their own?</p> <p>2 A. No, sir, I didn't know that.</p> <p>3 Q. You've never heard of that happening?</p> <p>4 A. No.</p> <p>5 Q. When you worked in the detention center that</p> <p>6 one-month period of time, did you see any wheelchairs</p> <p>7 there?</p> <p>8 A. No, I didn't.</p> <p>9 MR. JIM DARNELL: Object to the</p> <p>10 misstatement.</p> <p>11 Q. (By Mr. Gage) Were there any stretchers,</p> <p>12 gurneys or other ways to help a prisoner that had</p> <p>13 difficulties walking when you worked in that first</p> <p>14 facility?</p> <p>15 MR. ORTEGA: Objection, calls for</p> <p>16 speculation.</p> <p>17 A. No, sir, not that I remember.</p> <p>18 Q. (By Mr. Gage) Have you ever heard of the</p> <p>19 Americans With Disabilities Act?</p> <p>20 A. I have.</p> <p>21 Q. Do you understand under the Americans With</p> <p>22 Disabilities Act, there's a need to help accommodate</p> <p>23 people with disabilities in general?</p> <p>24 MR. ORTEGA: Objection, calls for a legal</p> <p>25 conclusion.</p>

<p>150</p> <p>1 MR. JIM DARNELL: Same objection.</p> <p>2 A. I don't know, I've never read through their</p> <p>3 policies or what their -- what they call for.</p> <p>4 Q. (By Mr. Gage) Was it your understanding that</p> <p>5 in the custody situations, to help comply with the</p> <p>6 Americans With Disabilities Act, there had to be some</p> <p>7 device available to assist prisoners that had</p> <p>8 difficulties walking?</p> <p>9 MR. ORTEGA: Objection, calls for a legal</p> <p>10 conclusion and speculation.</p> <p>11 MR. JIM DARNELL: Same objection.</p> <p>12 A. No, sir, not that I remember. The only device</p> <p>13 we saw was a restraint chair.</p> <p>14 Q. (By Mr. Gage) What is a restraint chair?</p> <p>15 A. A restraint chair is something we use on a</p> <p>16 combative subject that's kicking, spitting or being --</p> <p>17 having assaultive behavior against a -- a person</p> <p>18 or that -- yeah.</p> <p>19 Q. Describe what a restraint chair looks like.</p> <p>20 A. It's basically a chair that has a metal plate</p> <p>21 at the bottom for the feet and it has, say, like belts</p> <p>22 that go around the -- the wrists and they go around the</p> <p>23 ankles and also there's a loop on the back where you</p> <p>24 can put the -- the handcuffs through there, that way</p> <p>25 they don't move around. It also comes with a -- it's</p>	<p>152</p> <p>1 A. No, he did not.</p> <p>2 Q. What -- how did he respond?</p> <p>3 A. He didn't say anything, he just -- he just</p> <p>4 kept -- he didn't say anything and kept on the floor.</p> <p>5 Q. Did you then drag him from the holding tank to</p> <p>6 the elevators?</p> <p>7 A. No, sir, we did not drag him.</p> <p>8 Q. How did you take him?</p> <p>9 A. We attempted to carry him by his arms.</p> <p>10 Q. Was Daniel bleeding profusely from his head</p> <p>11 while you were in the holding cell?</p> <p>12 A. Yes, he was.</p> <p>13 Q. Did you see blood pulsating out of his</p> <p>14 forehead and down his face while he sat in that holding</p> <p>15 cell with you?</p> <p>16 A. That is correct.</p> <p>17 Q. Did you believe he was in need of medical</p> <p>18 treatment and attention?</p> <p>19 MR. ORTEGA: Objection, calls for</p> <p>20 speculation and expert testimony.</p> <p>21 MR. JIM DARNELL: Same objection.</p> <p>22 Q. (By Mr. Gage) You can answer.</p> <p>23 A. Well, just from looking at him, I mean any</p> <p>24 reasonable person seeing someone bleeding like that,</p> <p>25 yes.</p>
<p>151</p> <p>1 usually a system with a spit mask and also has a belt</p> <p>2 that goes -- that can go around the -- the waist and</p> <p>3 also over the shoulders. That -- that is -- and only</p> <p>4 has one set of wheels.</p> <p>5 Q. It has a set of wheels so that you can carry a</p> <p>6 prisoner around with those wheels. It's kind of like</p> <p>7 tilting a wheelbarrow and you can then push them.</p> <p>8 Correct?</p> <p>9 A. That's correct.</p> <p>10 Q. And the El Paso County Jail had a restraint</p> <p>11 chair in 2013. Correct?</p> <p>12 A. I'm not sure if they did or not.</p> <p>13 Q. Have you seen a restraint chair in any jail</p> <p>14 facilities?</p> <p>15 A. The one I used to work at, yes.</p> <p>16 MR. ORTEGA: Lunch break?</p> <p>17 MR. GAGE: I am just looking at this.</p> <p>18 Q. (By Mr. Gage) Did you ever see Officer Flores</p> <p>19 asking the nurse about assisting medically with Daniel?</p> <p>20 A. No, sir, I don't remember. Not to my</p> <p>21 knowledge.</p> <p>22 Q. Did you ask Daniel to stand up as you were</p> <p>23 leaving the holding cell?</p> <p>24 A. Yes, we did.</p> <p>25 Q. Did he do that?</p>	<p>153</p> <p>1 Q. Did you understand that you had a</p> <p>2 responsibility for protecting the safety of prisoners</p> <p>3 when you were transporting them?</p> <p>4 MR. ORTEGA: Objection, calls for a legal</p> <p>5 conclusion.</p> <p>6 MR. JIM DARNELL: Same objection.</p> <p>7 MR. ORTEGA: And speculation.</p> <p>8 A. In what situation are you talking about? This</p> <p>9 situation?</p> <p>10 Q. (By Mr. Gage) Any situation. Was it part of</p> <p>11 your duties in transporting a prisoner to protect their</p> <p>12 safety and well-being?</p> <p>13 MR. ORTEGA: Objection, vague, calls for</p> <p>14 a legal conclusion and speculation.</p> <p>15 MR. JIM DARNELL: Same objection.</p> <p>16 A. To my understanding it's -- it's a duty of an</p> <p>17 officer to have control and have care over that -- of</p> <p>18 that subject.</p> <p>19 Q. (By Mr. Gage) You were taught at some point</p> <p>20 in your law enforcement career, one of your obligations</p> <p>21 in transporting a prisoner is to protect his or her</p> <p>22 safety. Correct?</p> <p>23 MR. ORTEGA: This is after March 8, 2013?</p> <p>24 MR. GAGE: Ever.</p> <p>25 MR. ORTEGA: Not specifically to Daniel</p>

<p>154</p> <p>1 Saenz?</p> <p>2 MR. GAGE: Ever.</p> <p>3 A. That is correct, yes.</p> <p>4 Q. (By Mr. Gage) When did you first learn that</p> <p>5 you had a responsibility as a law enforcement officer</p> <p>6 to protect the safety of someone that you were</p> <p>7 transporting?</p> <p>8 A. That would have to be when I was -- when I</p> <p>9 became an officer, police officer, and so on.</p> <p>10 Q. So you did not learn about an obligation to</p> <p>11 protect the safety and well-being of a prisoner until</p> <p>12 after July 2013. Is that your testimony?</p> <p>13 A. To the best of my knowledge, yes, sir.</p> <p>14 Q. So what did G4S tell you, if anything, about</p> <p>15 your responsibilities for the care and treatment of</p> <p>16 prisoners when transporting them?</p> <p>17 A. That we were basically processing officers and</p> <p>18 transport officers directed under the -- the police</p> <p>19 officers -- the El Paso police officers since they were</p> <p>20 the ones that had custody and they were the ones</p> <p>21 giving us directives on what to do.</p> <p>22 Q. When you were in the transport van with</p> <p>23 Mr. Matthews and the two prisoners -- it was just the</p> <p>24 four of you -- who did you believe had custody of the</p> <p>25 prisoner at that point?</p>	<p>156</p> <p>1 Q. (By Mr. Gage) Go ahead.</p> <p>2 A. I'm sorry. Repeat the question, please.</p> <p>3 (The Court Reporter read back: And why</p> <p>4 did you understand you had to notify</p> <p>5 others about a medical emergency?)</p> <p>6 A. It was part of the policy, sir, the G4S</p> <p>7 policy.</p> <p>8 Q. (By Mr. Gage) So the G4S policies told you</p> <p>9 that if there was a medical emergency, you had an</p> <p>10 obligation to notify someone about that emergency.</p> <p>11 Correct?</p> <p>12 MR. ORTEGA: Objection, misstates his</p> <p>13 testimony.</p> <p>14 A. The -- the directive was if there was a -- a</p> <p>15 need for a medical emergency, the police officer would</p> <p>16 have -- or law enforcement officer would have to be</p> <p>17 notified about that and they would the make the</p> <p>18 decision what to do.</p> <p>19 Q. (By Mr. Gage) So it was your obligation under</p> <p>20 the policies of G4S to notify some law enforcement</p> <p>21 officer when you believed there was a need for medical</p> <p>22 treatment on a prisoner that you were transporting. Is</p> <p>23 that accurate?</p> <p>24 MR. ORTEGA: Objection, misstates his</p> <p>25 testimony.</p>
<p>155</p> <p>1 MR. JIM DARNELL: Object, calls for a</p> <p>2 legal conclusion.</p> <p>3 MR. ORTEGA: Same objection. And</p> <p>4 speculation.</p> <p>5 Q. (By Mr. Gage) Go ahead.</p> <p>6 A. To my understanding and my knowledge, it was</p> <p>7 still under the police department's custody.</p> <p>8 Q. If you're in a van transporting prisoners with</p> <p>9 Mr. Matthews and a prisoner needs medical attention</p> <p>10 while in the van -- it's just the four of you -- what</p> <p>11 was your understanding of your obligations when you</p> <p>12 worked for G4S to protect that prisoner or help him?</p> <p>13 MR. ORTEGA: Objection, calls for a legal</p> <p>14 conclusion.</p> <p>15 MR. JIM DARNELL: Same objection.</p> <p>16 A. If there was -- if the need for a medical</p> <p>17 emergency arose while transporting a prisoner, we'd</p> <p>18 have to notify the officer that was escorting us or a</p> <p>19 law enforcement -- yeah, an official law enforcement</p> <p>20 officer what was going on at that time or in that</p> <p>21 moment.</p> <p>22 Q. (By Mr. Gage) And why did you understand you</p> <p>23 had to notify others about a medical emergency?</p> <p>24 MR. ORTEGA: Objection. He didn't say</p> <p>25 others, he said the El Paso Police Department.</p>	<p>157</p> <p>1 MR. JIM DARNELL: Same objection.</p> <p>2 MR. ORTEGA: He told you at the time he</p> <p>3 was transporting him in the van --</p> <p>4 MR. GAGE: I don't want to hear -- while</p> <p>5 you're saying it, that's coaching. You've made your</p> <p>6 objection, he can answer, the judge will rule on it.</p> <p>7 MR. ORTEGA: I'm not coaching, I'm --</p> <p>8 MR. GAGE: Then don't give me your</p> <p>9 testimony.</p> <p>10 MR. ORTEGA: You're misstating his</p> <p>11 testimony.</p> <p>12 MR. GAGE: That's fine. You've made your</p> <p>13 objection, now I want my question answered.</p> <p>14 A. What was your question, sir?</p> <p>15 MR. GAGE: We'll have it read back.</p> <p>16 The observations are preserved.</p> <p>17 (The Court Reporter read back: So it was</p> <p>18 your obligation under the policies of G4S</p> <p>19 to notify some law enforcement officer</p> <p>20 when you believed there was a need for</p> <p>21 medical treatment on a prisoner that you</p> <p>22 were transporting. Is that correct?)</p> <p>23 A. Yes. According to our policy and if it was</p> <p>24 feasible at the time, yes.</p> <p>25 Q. (By Mr. Gage) Did you comply with that policy</p>

<p style="text-align: right;">158</p> <p>1 and notify any law enforcement officer that</p> <p>2 Daniel Saenz needed medical treatment on March 8th,</p> <p>3 2013, at any time before he was shot?</p> <p>4 A. At any time before he was shot?</p> <p>5 Q. Correct.</p> <p>6 A. While being transported?</p> <p>7 Q. Did you --</p> <p>8 A. While being transported, no.</p> <p>9 Q. You went downstairs on the elevators. How</p> <p>10 long did it take from the time you exited the elevator</p> <p>11 until you took Daniel outside?</p> <p>12 A. Approximately between 10 to 15 minutes.</p> <p>13 Q. What happened during that 10- to 15-minute</p> <p>14 period?</p> <p>15 A. We had -- we were -- we came back down to</p> <p>16 where the gun lockers were at. At that point Mr. Saenz</p> <p>17 was -- was seated with his -- with his back against my</p> <p>18 knees with no pressure, he was just -- his back was</p> <p>19 just in contact with my knees and I was keeping him</p> <p>20 balanced with my hands as well and Officer Flores, from</p> <p>21 what I recall, was on the phone and the dispatch.</p> <p>22 Q. Do you know who he spoke to on the phone?</p> <p>23 A. I do not know.</p> <p>24 Q. Do you know who he spoke to at dispatch?</p> <p>25 A. A dispatch officer. I'm not sure who -- who</p>	<p style="text-align: right;">160</p> <p>1 Q. And then you've already told us everything</p> <p>2 that took place from the time that you got outside of</p> <p>3 the jail until the shooting occurred. True?</p> <p>4 A. That's correct.</p> <p>5 MR. GAGE: Let's go for lunch.</p> <p>6 THE VIDEOGRAPHER: The time is 1:44 p.m.</p> <p>7 We are now off the record.</p> <p>8 (A recess was had.)</p> <p>9 THE VIDEOGRAPHER: The time is 3:07 p.m.</p> <p>10 We're back on the record.</p> <p>11 MR. GAGE: All right. Back on the</p> <p>12 record.</p> <p>13 (Exhibit marked, No. 39A.)</p> <p>14 Q. (By Mr. Gage) I think I'll show you</p> <p>15 Exhibit 39 [sic] now.</p> <p>16 For the record, Exhibit 39 is the</p> <p>17 statement that you gave on March 8th, 2013, the day of</p> <p>18 the shooting. Correct?</p> <p>19 A. That is correct.</p> <p>20 Q. You were being truthful and accurate on it</p> <p>21 when you gave that statement. Right?</p> <p>22 A. Yes, sir, I believe I was.</p> <p>23 Q. Let's go to the second page.</p> <p>24 You believe that Mr. Saenz was scared</p> <p>25 looking. Correct?</p>
<p style="text-align: right;">159</p> <p>1 it was exactly.</p> <p>2 Q. Did you ever learn that he was instructed --</p> <p>3 this is Flores -- was instructed by a superior to keep</p> <p>4 Daniel in that area by the gun locker and not to take</p> <p>5 him outside until help arrived?</p> <p>6 A. No, I don't recall.</p> <p>7 MR. JIM DARNELL: Object to speculation.</p> <p>8 A. I don't know if that happened or not, sir.</p> <p>9 Q. (By Mr. Gage) Why did you after this 10- to</p> <p>10 15-minute time lapse decide to take Daniel outside away</p> <p>11 from the gun locker?</p> <p>12 MR. JIM DARNELL: Object to misstatement</p> <p>13 of the evidence.</p> <p>14 MR. ORTEGA: Same objection.</p> <p>15 A. I was instructed to by Officer Flores.</p> <p>16 Q. (By Mr. Gage) Did Officer Flores tell you why</p> <p>17 he wanted to take Daniel outside from the jail at that</p> <p>18 point?</p> <p>19 A. No, he did not.</p> <p>20 Q. This was -- about what time was it that you</p> <p>21 took Daniel outside from the jail on to the driveway?</p> <p>22 A. I don't remember the time, sir.</p> <p>23 Q. Around 6:10, 6:15?</p> <p>24 A. I don't remember the time. I would say</p> <p>25 approximately.</p>	<p style="text-align: right;">161</p> <p>1 A. Where do you see that, sir?</p> <p>2 Q. Just I'm asking you. Did you believe he was</p> <p>3 scared looking. Scared. He looked scared, worried,</p> <p>4 afraid. Did that -- is that true?</p> <p>5 MR. ORTEGA: At what point, Mr. Gage?</p> <p>6 Q. (By Mr. Gage) At any point did he look scared</p> <p>7 to you?</p> <p>8 A. At any point during the whole --</p> <p>9 Q. Yes.</p> <p>10 A. Yes, there were points that -- that he looked</p> <p>11 as if someone was scaring him.</p> <p>12 Q. When did he first appear to look scared to</p> <p>13 you?</p> <p>14 A. The first time I saw it was when we had just</p> <p>15 come back from the Mission Valley Regional Command</p> <p>16 Center and -- and the transport officer -- actually</p> <p>17 processing officer, Planas, and then Officer Flores</p> <p>18 were bringing him out of the station on -- and</p> <p>19 proceeding to go to the van, that's when I first saw</p> <p>20 it.</p> <p>21 Q. When else did he look scared to you that day?</p> <p>22 A. When else?</p> <p>23 Q. Yes, when else.</p> <p>24 A. During the transport from Pebble Hills</p> <p>25 Regional Command Center to the county jail, when</p>

<p>162</p> <p>1 walking -- when escorting him from the van into the</p> <p>2 county jail.</p> <p>3 Q. Did you have any troubles getting a seat belt</p> <p>4 on him getting into the van?</p> <p>5 A. I did.</p> <p>6 Q. About how much time passed before you could</p> <p>7 get the seat belt on?</p> <p>8 A. Just the approximate time that we took -- it</p> <p>9 took to get the seat belt on him, I want to say about</p> <p>10 10 to 15 minutes.</p> <p>11 Q. 10 to 15 minutes?</p> <p>12 A. Yes, sir.</p> <p>13 Q. So what was he doing during that time frame?</p> <p>14 A. What time frame, sir?</p> <p>15 Q. During that 10 to 15 minutes when you were</p> <p>16 trying to seat belt him.</p> <p>17 A. Well, when we finally got him into the</p> <p>18 transfer van to sit down, he kept trying to stand up</p> <p>19 and he kept extending his body -- yeah, he kept</p> <p>20 extending his body and pushing up against -- with his</p> <p>21 back against the wall compartment of the van and that's</p> <p>22 how we were having issues getting the lap belt around</p> <p>23 him.</p> <p>24 Q. He was doing that for about 10 to 15 minutes</p> <p>25 you told us. Correct?</p>	<p>164</p> <p>1 to remember all these things -- all these facts that</p> <p>2 the detective was asking me.</p> <p>3 MR. GAGE: Move to strike, nonresponsive.</p> <p>4 Q. (By Mr. Gage) The question was a simple one.</p> <p>5 Were you being truthful and accurate when you wrote</p> <p>6 your statement on March 8? Yes or no.</p> <p>7 MR. ORTEGA: Objection, argumentative.</p> <p>8 A. Like I said I was trying to be as truthful and</p> <p>9 as recalling [sic] as I could about the whole incident.</p> <p>10 Q. (By Mr. Gage) All right. So Exhibit 39 you</p> <p>11 were being truthful and accurate is your statement.</p> <p>12 Right?</p> <p>13 A. That's correct.</p> <p>14 Q. The handcuffs themselves, were they loose or</p> <p>15 tight on him?</p> <p>16 A. No, they were loose, sir.</p> <p>17 Q. By having loose handcuffs, that could increase</p> <p>18 the opportunity for Daniel to move his arms and get</p> <p>19 them from his back to his front to your knowledge.</p> <p>20 Correct?</p> <p>21 MR. ORTEGA: Objection, calls for</p> <p>22 speculation.</p> <p>23 MR. JIM DARNELL: And asked and answered.</p> <p>24 Q. (By Mr. Gage) I'm sorry?</p> <p>25 A. The -- I'm not sure if having the handcuffs</p>
<p>163</p> <p>1 A. That's correct.</p> <p>2 Q. Look at page 3 of your statement, which is</p> <p>3 Exhibit 39.</p> <p>4 The first paragraph. Do you see the</p> <p>5 second line: Arrestee Saenz -- Saenz (different</p> <p>6 pronunciation) was pushing with his back against the</p> <p>7 compartment wall -- doing all these other things --</p> <p>8 (Reading) -- elevate his waist off the</p> <p>9 seat so that we could not snap the seat belt around his</p> <p>10 waist.</p> <p>11 Do you see that area?</p> <p>12 A. Yes, sir, I see it.</p> <p>13 Q. That's what you were explaining to us was the</p> <p>14 10- to 15-minute time frame. Right?</p> <p>15 A. Yes, sir.</p> <p>16 Q. But you stated in your statement: He was</p> <p>17 doing this for less than one minute.</p> <p>18 Do you see that?</p> <p>19 A. Okay. I see it.</p> <p>20 Q. So were you being truthful and accurate when</p> <p>21 you said that it lasted less than one minute?</p> <p>22 A. I was being -- I was attempting to be accurate</p> <p>23 about it. I don't remember exactly all the times. I</p> <p>24 had -- to be quite honest, that was a pretty traumatic</p> <p>25 event that I wasn't going to remember -- I was trying</p>	<p>165</p> <p>1 loose around his wrists, if that's what you mean, would</p> <p>2 enable him or at least facilitate him moving his -- his</p> <p>3 handcuffs from behind his back to the front of him. I</p> <p>4 just know that he was able to move his wrists inside</p> <p>5 the handcuffs.</p> <p>6 Q. Did you check to see if the handcuffs were</p> <p>7 double locked?</p> <p>8 A. I do not recall that, no.</p> <p>9 Q. Do you know what double locking handcuffs</p> <p>10 means?</p> <p>11 A. Yes, I do.</p> <p>12 Q. What is your understanding?</p> <p>13 A. Double locking of the handcuffs is -- is when</p> <p>14 you put the handcuffs on the -- on the subject, you</p> <p>15 secure it to where they can properly move their --</p> <p>16 their -- their wrists without having it to be so tight.</p> <p>17 And then also there's a button there or a little latch</p> <p>18 that you move with your -- with your handcuff key,</p> <p>19 activate it, and that prevents it from -- that prevents</p> <p>20 the clamps or the -- the clamps from the handcuffs to</p> <p>21 become tighter in the event that the subject sits on</p> <p>22 them or does some type of act that -- that will tighten</p> <p>23 up the -- the handcuffs.</p> <p>24 Q. Did you make sure to -- that the handcuffs</p> <p>25 were double locked so that they could not press on</p>

<p style="text-align: right;">166</p> <p>1 Daniel's hand and cause an injury?</p> <p>2 A. If I remember correctly, if I recall</p> <p>3 correctly, I had seen that the -- or -- yeah, that the</p> <p>4 button was pushed so that the -- yeah, the button was</p> <p>5 pushed so that told me that the handcuffs were double</p> <p>6 locked.</p> <p>7 Q. All right. I'm going to show some photos now.</p> <p>8 Starting with Exhibit 8, can you show</p> <p>9 us -- and we'll put it on the video -- where the button</p> <p>10 is for double locking handcuffs.</p> <p>11 So once you locate it, show -- point to</p> <p>12 it and show it on the video, please.</p> <p>13 A. It's going to be a latch that's inside this</p> <p>14 little crevice right here and it's a latch that you</p> <p>15 either -- I believe it's to the -- pull it this way.</p> <p>16 Q. Okay. So if you can just --</p> <p>17 A. And it's --</p> <p>18 Q. Go ahead.</p> <p>19 A. No, no. Oh, it's -- if you look in there, you</p> <p>20 can see that the latch -- if it's visible that means</p> <p>21 it's not double handcuffed -- I mean not double locked.</p> <p>22 If it's not visible, then it's double locked.</p> <p>23 Q. And in these cuffs do you see it visible or</p> <p>24 not visible?</p> <p>25 A. I cannot tell, sir.</p>	<p style="text-align: right;">168</p> <p>1 (Exhibit marked, No. 40.)</p> <p>2 Q. (By Mr. Gage) Let's mark as Exhibit 40 the</p> <p>3 statement that you gave to the shooting review board on</p> <p>4 April 29th, 2016, which is approximately 40 pages in</p> <p>5 length.</p> <p>6 When you gave that statement, were you</p> <p>7 truthful and accurate?</p> <p>8 A. To the best of my knowledge, yes, sir.</p> <p>9 Q. Let's turn to page 25, lines 17 to 22.</p> <p>10 I'll read the question and you read the</p> <p>11 answer where it says, "Officer Romero." Okay?</p> <p>12 A. Uh-huh.</p> <p>13 Q. Yes?</p> <p>14 A. I'm sorry?</p> <p>15 Q. Yes, you'll do that?</p> <p>16 A. Yes.</p> <p>17 Q. All right.</p> <p>18 Question: Did you know that he had</p> <p>19 slipped his cuffs easily at Pebble Hills station from</p> <p>20 the back to the front and front to the back again</p> <p>21 without any assistance?</p> <p>22 What was your testimony under oath?</p> <p>23 A. "Oh, no, I didn't know that, sir."</p> <p>24 Q. Question: You didn't know that?</p> <p>25 Answer?</p>
<p style="text-align: right;">167</p> <p>1 Q. All right. I'm going to now show you</p> <p>2 Exhibit Number 9. I'd like you to pay attention to the</p> <p>3 injury on the wrist near the ruler. Tell me if that</p> <p>4 injury is representative of an injury that could be</p> <p>5 caused from a handcuff to your knowledge.</p> <p>6 MR. ORTEGA: Objection, vague, lack of</p> <p>7 foundation and calls for speculation.</p> <p>8 MR. JIM DARNELL: And calls for an expert</p> <p>9 opinion.</p> <p>10 A. I'm not sure, sir. It would have to depend --</p> <p>11 just depends on the situation. Even if the handcuff</p> <p>12 isn't -- they're still loose, the way Mr. Saenz was</p> <p>13 moving around and being combative, it was causing</p> <p>14 strain on the handcuffs and on his wrists.</p> <p>15 Q. (By Mr. Gage) So you don't know if that</p> <p>16 injury is consistent with a failure to double lock the</p> <p>17 handcuffs or not is your testimony. Is that correct?</p> <p>18 A. That's correct.</p> <p>19 Q. Did you know that Mr. Saenz had slipped his</p> <p>20 cuffs easily at Pebble Hills station from the back to</p> <p>21 the front and front to the back again without any</p> <p>22 assistance?</p> <p>23 A. Did I know of that?</p> <p>24 Q. Yes.</p> <p>25 A. Yes, after Matthews mentioned it.</p>	<p style="text-align: right;">169</p> <p>1 A. "No."</p> <p>2 Q. Did you ever change that testimony or correct</p> <p>3 it?</p> <p>4 A. I do not recall, sir.</p> <p>5 Q. You do not recall doing that. Correct?</p> <p>6 A. Yes.</p> <p>7 Q. Were there times when Daniel was under your</p> <p>8 custody and control where he would yell as if he was in</p> <p>9 pain for some reason?</p> <p>10 MR. ORTEGA: Objection, assumes facts not</p> <p>11 in evidence and calls for speculation.</p> <p>12 Q. (By Mr. Gage) You can answer.</p> <p>13 A. As if he was in pain?</p> <p>14 Q. Correct.</p> <p>15 A. No, I don't know if he was in pain or not.</p> <p>16 Q. Okay. Let's go back to your statement in</p> <p>17 Exhibit 39.</p> <p>18 At page 3 of the statement, second to</p> <p>19 last paragraph from the bottom, "While we are en</p> <p>20 route."</p> <p>21 Do you see that portion?</p> <p>22 A. What paragraph? I'm sorry.</p> <p>23 Q. Second to last.</p> <p>24 A. Okay.</p> <p>25 Q. Second to last. If you go to the --</p>

<p style="text-align: right;">170</p> <p>1 A. I see it now. I see it.</p> <p>2 Q. The fourth line after the statement, "Is that</p> <p>3 a Lincoln car or Hummer?" did you write, "He kept</p> <p>4 yelling like if he was in pain for some reason"?</p> <p>5 A. That's -- that's the statement I gave, yes.</p> <p>6 Q. Okay. And you wrote that referring to</p> <p>7 Mr. Saenz. True?</p> <p>8 A. That is correct.</p> <p>9 Q. When you were walking into the jail with</p> <p>10 Officer Flores, did he ever tell you -- before you</p> <p>11 learned of an injury to Daniel's head, did he ever tell</p> <p>12 you, "Watch his head, watch his head," words to that</p> <p>13 effect?</p> <p>14 A. No, I don't remember him telling me.</p> <p>15 Q. Was there anything that you saw as you were</p> <p>16 walking with Daniel indicating to you that you had to</p> <p>17 watch out for Daniel's head?</p> <p>18 A. Was Mr. Saenz doing something that indicated I</p> <p>19 had to watch out for his head?</p> <p>20 Q. Yes.</p> <p>21 A. Besides him -- him moving his head around, no,</p> <p>22 sir, I -- no.</p> <p>23 Q. In other words it was a surprise to you when</p> <p>24 Daniel's head wound up striking the doorjamb. Correct?</p> <p>25 A. That is correct, it was.</p>	<p style="text-align: right;">172</p> <p>1 a yes or no answer. He said that he doesn't know what</p> <p>2 was in the mind of Officer Flores at the time.</p> <p>3 Q. (By Mr. Gage) I still want to know. A yes or</p> <p>4 a no.</p> <p>5 A. Like I said, sir, he didn't -- he didn't say</p> <p>6 anything about watching -- watch -- watching out or</p> <p>7 anything like that. I don't recall him saying that.</p> <p>8 And I don't know what he was thinking at the time</p> <p>9 either.</p> <p>10 Q. When you got to the door, it was opened by</p> <p>11 Officer Flores to enter the jail. Correct?</p> <p>12 A. That is correct.</p> <p>13 Q. And it was at that time that Daniel Saenz</p> <p>14 dropped to the ground and fell on his knees. Is that</p> <p>15 correct?</p> <p>16 MR. JIM DARNELL: Object to form,</p> <p>17 misstatement of the evidence.</p> <p>18 MR. ORTEGA: Same objection.</p> <p>19 Q. (By Mr. Gage) You can answer.</p> <p>20 A. It seemed like Mr. Saenz dropped to the -- to</p> <p>21 the ground. That's what it seemed like and that's when</p> <p>22 we proceeded to continue to attempt to escort him</p> <p>23 through the -- the -- the door and that's when he hit</p> <p>24 his head on the threshold.</p> <p>25 Q. So drops to the knees, escorting him, hits his</p>
<p style="text-align: right;">171</p> <p>1 Q. The only way that you were aware that</p> <p>2 Officer Flores would know to tell you in advance,</p> <p>3 "Watch his head," would be if Officer Flores was about</p> <p>4 to push Daniel so that his head would strike the</p> <p>5 doorjamb. Correct?</p> <p>6 MR. ORTEGA: Objection, calls for</p> <p>7 speculation.</p> <p>8 MR. JIM DARNELL: Same objection.</p> <p>9 A. I don't know if Mr. Flores knew that Mr. Saenz</p> <p>10 was going to create that type of injury to himself.</p> <p>11 Q. (By Mr. Gage) I don't know if that's</p> <p>12 answering my question. We'll have it read back and you</p> <p>13 can answer a second time, please.</p> <p>14 (The Court Reporter read back: The only</p> <p>15 way that you were aware of that Officer</p> <p>16 Flores would know to tell you in</p> <p>17 advance, "Watch his head," would be if</p> <p>18 Officer Flores was about to push Daniel</p> <p>19 so that his head would strike the</p> <p>20 doorjamb. Correct?)</p> <p>21 MR. ORTEGA: You already gave an answer.</p> <p>22 Q. (By Mr. Gage) You can answer. Yes or no.</p> <p>23 MR. ORTEGA: He gave an answer already.</p> <p>24 MR. GAGE: It was not unresponsive.</p> <p>25 MR. ORTEGA: He doesn't have to give you</p>	<p style="text-align: right;">173</p> <p>1 head on the threshold. That's the sequence. True?</p> <p>2 MR. ORTEGA: Objection --</p> <p>3 MR. JIM DARNELL: Misstatement of</p> <p>4 evidence.</p> <p>5 MR. ORTEGA: Same.</p> <p>6 A. It seemed, once again, that he dropped to his</p> <p>7 knees, sir.</p> <p>8 Q. (By Mr. Gage) Then you escorted him and then</p> <p>9 he bangs his head. That's the sequence. Correct?</p> <p>10 A. The door opens and we attempt to escort him,</p> <p>11 that's when he begins to do the movements that he does</p> <p>12 side to side, back and forth, and that's when he hits</p> <p>13 his head on the door frame.</p> <p>14 Q. So what you're saying is my statement is the</p> <p>15 correct sequence. Right?</p> <p>16 A. What statement is that?</p> <p>17 Q. The door is opened, he -- Daniel dropped</p> <p>18 towards the ground, you start to escort him, and then</p> <p>19 he bangs his head.</p> <p>20 MR. ORTEGA: Objection, misstates his</p> <p>21 testimony. Asked and answered.</p> <p>22 Q. (By Mr. Gage) Go ahead.</p> <p>23 MR. JIM DARNELL: Same objection.</p> <p>24 A. Like I said I don't know if he dropped to the</p> <p>25 ground. That's the only -- that's the only part</p>

<p style="text-align: right;">174</p> <p>1 that --</p> <p>2 Q. (By Mr. Gage) Sequence is door is opened by</p> <p>3 Flores, Daniel goes towards the ground at least</p> <p>4 partway, you and Flores escort him, and then his head</p> <p>5 hits the doorjamb. Correct?</p> <p>6 MR. ORTEGA: Objection, misstates his</p> <p>7 testimony, asked and answered.</p> <p>8 Q. (By Mr. Gage) Go ahead.</p> <p>9 MR. JIM DARNELL: Same objection.</p> <p>10 A. Like I said before, it seemed like Mr. Saenz</p> <p>11 had dropped to the floor because of his weight;</p> <p>12 however, I do not -- I'm not certain that he did or</p> <p>13 not. As we proceeded to continue to escort Mr. Saenz</p> <p>14 through the door, that's when he hit his -- his head on</p> <p>15 the door frame.</p> <p>16 Q. (By Mr. Gage) Was there anything that</p> <p>17 Daniel Saenz was doing at the time that his door [sic]</p> <p>18 hit the door frame that would have justified either you</p> <p>19 or Mr. Flores putting his head into the door frame in</p> <p>20 any way, that use of force?</p> <p>21 MR. ORTEGA: Objection, calls for</p> <p>22 speculation, calls for a legal conclusion.</p> <p>23 A. No, I don't know if Mr. Saenz was doing</p> <p>24 anything like that. The -- how he created that injury,</p> <p>25 it appeared to me that he created it to himself,</p>	<p style="text-align: right;">176</p> <p>1 A. I see it, sir.</p> <p>2 Q. The next sentence says, "At this time Arrestee</p> <p>3 Saenz dropped to the ground and fell on his knees.</p> <p>4 Both Officer Flores and I grabbed ahold of Arrestee</p> <p>5 Saenz's arms and did not let him drop completely to the</p> <p>6 ground."</p> <p>7 That's truthful and accurate. Correct?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Next it says, "We then dragged Arrestee Saenz</p> <p>10 in through the county jail door."</p> <p>11 Do you see that?</p> <p>12 A. I see it, sir.</p> <p>13 Q. So that's testimony of dragging as opposed to</p> <p>14 carrying different than what you've testified to this</p> <p>15 morning. Correct?</p> <p>16 A. Yes, sir.</p> <p>17 MR. ORTEGA: Objection, argumentative.</p> <p>18 MR. JIM DARNELL: Same objection.</p> <p>19 A. At the time that's what it felt like, but we</p> <p>20 were attempting to carry Mr. Saenz. And that's --</p> <p>21 that's what I remember, they -- them asking that -- the</p> <p>22 officers -- or the detectives asking me at the time.</p> <p>23 Q. (By Mr. Gage) Dragging is different than</p> <p>24 carrying. Agreed?</p> <p>25 A. I agree.</p>
<p style="text-align: right;">175</p> <p>1 because me and Mr. Flores only had -- we were</p> <p>2 attempting to gain control of him, but he -- he, like I</p> <p>3 said, was swinging his head side to side, back and</p> <p>4 forth, and that's when he went into the door frame.</p> <p>5 Q. Before lunch, remember, I asked you a series</p> <p>6 of questions at different points whether you had</p> <p>7 dragged Daniel Saenz at any point. Do you remember</p> <p>8 those?</p> <p>9 A. I remember those questions.</p> <p>10 Q. And each time you told us that you did not</p> <p>11 drag him, you carried him. Right?</p> <p>12 A. That is correct.</p> <p>13 Q. So I want to look at your statement now at</p> <p>14 page 4 of Exhibit 39.</p> <p>15 We're in the large paragraph sort of at</p> <p>16 the middle, it says, "Once we were by the county jail</p> <p>17 doors." That's the start of the paragraph. Do you see</p> <p>18 it?</p> <p>19 A. I see it, sir.</p> <p>20 Q. If you go down, you can count one, two, three,</p> <p>21 four, five, six -- seven lines down, in the middle, it</p> <p>22 says, "Once the door was opened, Officer Flores kept it</p> <p>23 open as best he could as we were trying to get ahold of</p> <p>24 Arrestee Saenz's arms."</p> <p>25 Do you see where I am?</p>	<p style="text-align: right;">177</p> <p>1 Q. Your statement continues: After we then</p> <p>2 dragged Arrestee Saenz in through the county jail door,</p> <p>3 as Arrestee Saenz was right inside the threshold of the</p> <p>4 county jail entrance door, I saw that he started</p> <p>5 shaking his head from side to side.</p> <p>6 So it was after he was being dragged, you</p> <p>7 saw his head being shaken. Correct?</p> <p>8 MR. JIM DARNELL: Object to form,</p> <p>9 misstatement of the evidence.</p> <p>10 MR. ORTEGA: Same objection. And best</p> <p>11 evidence rule as it pertains to the video.</p> <p>12 Q. (By Mr. Gage) You can answer.</p> <p>13 A. I'm sorry. Can you repeat the question,</p> <p>14 please.</p> <p>15 (The Court Reporter read back: Your</p> <p>16 statement continues: After we then</p> <p>17 dragged Arrestee Saenz in through the</p> <p>18 county jail door, as Arrestee Saenz was</p> <p>19 right inside the threshold of the county</p> <p>20 jail entrance door, I saw him and he</p> <p>21 started shaking his head from side to</p> <p>22 side.</p> <p>23 So it was after he was being dragged, you</p> <p>24 saw his head being shaken. Correct?)</p> <p>25 A. It was during that process, sir.</p>

<p style="text-align: right;">178</p> <p>1 Q. (By Mr. Gage) So is that a yes or a no?</p> <p>2 A. Like I said it was during that process, so I</p> <p>3 would have to say yes.</p> <p>4 Q. Then you continue at the last sentence of the</p> <p>5 same paragraph, "We kept dragging him past the door so</p> <p>6 he would not hit himself again."</p> <p>7 Do you see that?</p> <p>8 A. I see it.</p> <p>9 Q. Again, earlier before lunch, you claimed you</p> <p>10 were carrying him, not dragging him. Do you remember</p> <p>11 that testimony?</p> <p>12 A. I remember.</p> <p>13 Q. Next paragraph, "We dragged him past the gun</p> <p>14 lockers and we had him stand up against the metal</p> <p>15 doors."</p> <p>16 Is that the statement you wrote,</p> <p>17 including the words "dragged"?</p> <p>18 A. This is a statement I provided to the</p> <p>19 detective, yes, sir.</p> <p>20 Q. Did Officer Flores ever tell you "Watch out,"</p> <p>21 before he shot Daniel?</p> <p>22 A. No, not to my recollection.</p> <p>23 Q. Did you receive any training on what to do to</p> <p>24 avoid a situation where you would not be physically</p> <p>25 able to keep up with a prisoner based on his behavior?</p>	<p style="text-align: right;">180</p> <p>1 him.</p> <p>2 Q. And that's the only thing you did the entire</p> <p>3 time that you were transporting or escorting Daniel is</p> <p>4 putting him behind you. Correct?</p> <p>5 A. As far as to prevent what, sir?</p> <p>6 Q. Having greater caution and care because of the</p> <p>7 way Daniel looked and acted.</p> <p>8 A. From -- at transporting, yes, putting him</p> <p>9 in -- putting him directly behind the passenger seat of</p> <p>10 the van. And when he was bashing his head on the</p> <p>11 ground outside the county jail, putting my arm</p> <p>12 underneath his head to prevent further injury.</p> <p>13 Q. Did you have a discussion with anyone involved</p> <p>14 in the transport of Daniel to have greater care or</p> <p>15 caution because of the way he looked and acted?</p> <p>16 A. I believe it -- I believe it was only</p> <p>17 expressed with Mr. Flores.</p> <p>18 Q. So you did have a conversation about greater</p> <p>19 caution. Correct?</p> <p>20 A. Yes.</p> <p>21 Q. Let's have you look at your statement in</p> <p>22 Exhibit 40.</p> <p>23 And this is a statement that you looked</p> <p>24 at within the past two or three days. Correct?</p> <p>25 A. This statement?</p>
<p style="text-align: right;">179</p> <p>1 A. At that point?</p> <p>2 Q. Did you receive any training ever?</p> <p>3 A. That I recall, no, sir.</p> <p>4 Q. On March 8, 2013, you felt that the behavior</p> <p>5 of Daniel combined with his physical fitness, that it</p> <p>6 should be elevated so that greater precautions should</p> <p>7 have been taken care of. Correct?</p> <p>8 MR. ORTEGA: Objection, vague.</p> <p>9 MR. JIM DARNELL: Same objection.</p> <p>10 A. As far as what -- what actions of Mr. Saenz?</p> <p>11 Q. (By Mr. Gage) Before you left Pebble Hills,</p> <p>12 did you feel that the behavior of Daniel or the</p> <p>13 behavior -- and his extreme physical fitness elevated</p> <p>14 the level of care that you should have taken that day?</p> <p>15 A. Before leaving Pebble Hills?</p> <p>16 Q. Correct.</p> <p>17 A. It heightened my -- my awareness and concern,</p> <p>18 yes.</p> <p>19 Q. What did you do to take greater care and</p> <p>20 precaution because your awareness was heightened?</p> <p>21 A. We -- at the -- at the Pebble Hills station</p> <p>22 you're asking?</p> <p>23 Q. Correct.</p> <p>24 A. We placed him directly behind us -- in the</p> <p>25 compartment behind us to keep a direct line of sight on</p>	<p style="text-align: right;">181</p> <p>1 Q. Yes.</p> <p>2 A. No.</p> <p>3 Q. All right. In any event this is a statement</p> <p>4 you gave under oath. Right?</p> <p>5 A. I don't remember if I was under oath or not,</p> <p>6 sir.</p> <p>7 Q. You had an obligation to tell the truth as a</p> <p>8 police officer. Right?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Let's have you look at page 4, lines 16 to 24.</p> <p>11 You can read that to yourself. I'm going to summarize</p> <p>12 it just to help set up my question for you, but you can</p> <p>13 confirm my summary.</p> <p>14 This is a question asked of you about the</p> <p>15 behavior of Daniel, what you saw and his fitness,</p> <p>16 whether or not you thought there should be a greater</p> <p>17 level of precaution and you indicated that, yes, you</p> <p>18 thought it should be.</p> <p>19 Do you see that testimony which I have</p> <p>20 summarized?</p> <p>21 A. That's correct.</p> <p>22 Q. Then you're asked at line 25 to page 5, line</p> <p>23 2.</p> <p>24 Question: But nobody ever asked about</p> <p>25 that at the time?</p>

<p style="text-align: right;">182</p> <p>1 As far as greater caution.</p> <p>2 And your answer was, "No, sir."</p> <p>3 Do you see that?</p> <p>4 A. I saw it, sir.</p> <p>5 Q. All right. So you did not say at that point</p> <p>6 that you had a conversation with Officer Flores about</p> <p>7 greater precaution, did you?</p> <p>8 A. At what point, sir?</p> <p>9 Q. When you were asked the question there in your</p> <p>10 interview?</p> <p>11 A. That you're asking me about the interview or</p> <p>12 at the time of the -- of March 8th?</p> <p>13 Q. You were asked a question during the shooting</p> <p>14 review board whether you spoke to anybody about the</p> <p>15 need for greater precaution and you said no. Correct?</p> <p>16 A. That's correct, sir, according to the</p> <p>17 statement.</p> <p>18 Q. You did not say at that time that you had a</p> <p>19 conversation with Officer Flores about greater</p> <p>20 precautions, did you?</p> <p>21 A. I did not, sir.</p> <p>22 Q. When Daniel hit his head on the door or</p> <p>23 someone hit his head on the door, did you believe that</p> <p>24 the jail was going to accept him or not accept him as a</p> <p>25 prisoner?</p>	<p style="text-align: right;">184</p> <p>1 Q. All right. You can turn that over. You don't</p> <p>2 need to keep reading that until I get to it again.</p> <p>3 Were you thinking when you saw the blood</p> <p>4 on Daniel that the jail was not going to accept him?</p> <p>5 A. No, I was not thinking that.</p> <p>6 Q. You weren't.</p> <p>7 Let's look at your answer on page 6</p> <p>8 starting at line 22 is the relevant portion.</p> <p>9 MR. ORTEGA: Which exhibit?</p> <p>10 MR. GAGE: Page -- it's Exhibit 40, page</p> <p>11 6.</p> <p>12 Q. (By Mr. Gage) Line 22, on the right side,</p> <p>13 your answer, it says: As we were going upstairs to go</p> <p>14 to booking or to see the nurse, I kept thinking to</p> <p>15 myself, man -- when I saw the blood on Mr. Saenz, I</p> <p>16 said, "I don't think they're going to take him, but I</p> <p>17 just kept that to myself."</p> <p>18 That was your testimony. Correct?</p> <p>19 A. According to this statement, yes, sir.</p> <p>20 Q. So you really did think that the jail was not</p> <p>21 going to accept him. Correct?</p> <p>22 A. Yes, sir, I thought that, but I -- my only</p> <p>23 concern was to get him medical attention to the nurses.</p> <p>24 MR. GAGE: Move to strike as</p> <p>25 nonresponsive.</p>
<p style="text-align: right;">183</p> <p>1 A. I didn't know at the time, sir.</p> <p>2 Q. You thought he might be accepted?</p> <p>3 A. Like -- like I said I don't know at the -- I</p> <p>4 didn't know at the time if he was going to be accepted</p> <p>5 or not.</p> <p>6 Q. Let's look at page 6 of Exhibit 40, lines 5</p> <p>7 through 10. I'll read the question, you read your</p> <p>8 answer.</p> <p>9 Question --</p> <p>10 A. What page? I'm sorry.</p> <p>11 Q. Page 6, line 5. Your answer is at line 10.</p> <p>12 Question: Officer Romero, my name is</p> <p>13 George Atkins. When Mr. Saenz hit his head on the</p> <p>14 door, you being a G4 at the time, you're aware that the</p> <p>15 jail would not accept a prisoner with an injury.</p> <p>16 What did you respond?</p> <p>17 A. "Yes, sir."</p> <p>18 Q. So you knew that the injury to the head of</p> <p>19 Mr. Saenz was going to result in the jail not accepting</p> <p>20 him. Correct?</p> <p>21 A. According to this statement, yes, sir.</p> <p>22 Q. Did you ever tell Officer Flores that there</p> <p>23 would be no need to take Mr. Saenz upstairs because he</p> <p>24 was just going to be called back?</p> <p>25 A. No, I did not, sir.</p>	<p style="text-align: right;">185</p> <p>1 Q. (By Mr. Gage) You thought the jail was not</p> <p>2 going to accept him. Right?</p> <p>3 A. According to this statement, yes, sir.</p> <p>4 Q. According to your recollection as well.</p> <p>5 Right?</p> <p>6 A. That's correct.</p> <p>7 Q. All right. You can close that for a moment</p> <p>8 again.</p> <p>9 When you got to Pebble Hills, did you</p> <p>10 have any information as to why Daniel was arrested that</p> <p>11 day?</p> <p>12 A. From my recollection I believe it was because</p> <p>13 he had assaulted some -- an off-duty officer and some</p> <p>14 people at a -- at a medical facility.</p> <p>15 Q. How did you learn that?</p> <p>16 A. I don't remember who told me that, sir.</p> <p>17 Q. When you saw Daniel, did you think this would</p> <p>18 be a difficult transport, at Pebble Hills?</p> <p>19 A. At what point?</p> <p>20 Q. When you were still at Pebble Hills?</p> <p>21 A. I know. At the point of the transport or when</p> <p>22 I first got there?</p> <p>23 Q. Any time from the time you first arrived to</p> <p>24 Pebble Hills until he went to the van.</p> <p>25 A. When we were about to transfer Mr. Saenz, I --</p>

<p>186</p> <p>1 I -- I thought to myself it was going to be a difficult</p> <p>2 transport.</p> <p>3 Q. Did you take any special precautions since you</p> <p>4 thought it was going to be a difficult transport?</p> <p>5 A. Other than sitting him in the back directly</p> <p>6 behind the passenger's seat, no, sir.</p> <p>7 Q. Did you have a heightened level of awareness</p> <p>8 because of the situation that you saw Daniel in while</p> <p>9 at Pebble Hills?</p> <p>10 A. That is correct, sir.</p> <p>11 MR. JIM DARNELL: Brad, can we take just</p> <p>12 one moment. I'm going to give Jeep this stuff. You</p> <p>13 don't need to stop, let me just --</p> <p>14 MR. GAGE: You can switch sides, I'll</p> <p>15 just keep asking questions.</p> <p>16 Q. (By Mr. Gage) In your mind when -- Daniel,</p> <p>17 when his head hit the doorjamb, was that an intentional</p> <p>18 act?</p> <p>19 A. On whose behalf, sir?</p> <p>20 Q. Did you believe it was intentional on Daniel's</p> <p>21 part to injure himself?</p> <p>22 A. I don't know what he was thinking, sir, but it</p> <p>23 seemed like he -- it seemed like he wasn't thinking at</p> <p>24 the time, but I don't know what he was thinking when he</p> <p>25 injured himself.</p>	<p>188</p> <p>1 MR. ORTEGA: As they're going in or</p> <p>2 leaving the jail?</p> <p>3 Q. (By Mr. Gage) After you left the jail when</p> <p>4 he's outside.</p> <p>5 MR. JEEP DARNELL: Object, hearsay.</p> <p>6 A. When we went back down?</p> <p>7 Q. (By Mr. Gage) Yeah. Yeah.</p> <p>8 A. I don't know if they had any conversation.</p> <p>9 Q. You didn't hear anything. Correct?</p> <p>10 MR. JEEP DARNELL: Same objection.</p> <p>11 A. I don't recall, sir.</p> <p>12 Q. (By Mr. Gage) When you say you don't recall,</p> <p>13 that is you do not recall any conversation between</p> <p>14 Officer Flores and Daniel Saenz when they were outside</p> <p>15 in the sally port after Flores had gone to retrieve his</p> <p>16 guns and came back outside. Is that a true statement?</p> <p>17 MR. JEEP DARNELL: Same objection.</p> <p>18 A. No, I don't recall any -- any interaction --</p> <p>19 well, anything said from Mr. Saenz to Mr. Flores or</p> <p>20 vice versa.</p> <p>21 Q. (By Mr. Gage) Did you and Mr. Saenz have a</p> <p>22 conversation at any time from the point you dragged him</p> <p>23 outside and Flores went in until he was shot?</p> <p>24 A. No, sir.</p> <p>25 MR. JEEP DARNELL: Brad, real fast. By</p>
<p>187</p> <p>1 Q. So you do not know that it was an intentional</p> <p>2 act. Is that what you're telling me?</p> <p>3 A. I do not know, sir. Yes, sir.</p> <p>4 Q. I'm sorry?</p> <p>5 A. I do not know, yes.</p> <p>6 Q. All right. Did you say anything to Daniel</p> <p>7 from the time that you walked him from the van until</p> <p>8 the time that you had put your weapons away?</p> <p>9 A. From the time that we arrived at the county</p> <p>10 facility --</p> <p>11 Q. Correct.</p> <p>12 A. -- then walked into the facility?</p> <p>13 I don't remember. I don't remember</p> <p>14 saying anything to him.</p> <p>15 Q. Did he say anything to you that you can</p> <p>16 recall?</p> <p>17 A. No, he was just making grunting noises and</p> <p>18 groaning noises.</p> <p>19 Q. Did you hear Flores say anything?</p> <p>20 A. I don't -- I don't recall, sir.</p> <p>21 Q. You don't recall him saying anything?</p> <p>22 A. I don't recall.</p> <p>23 Q. When you got outside on the sally port, did</p> <p>24 you hear any conversations between Officer Flores and</p> <p>25 Mr. Saenz?</p>	<p>189</p> <p>1 agreement of the parties, I, Jeep Darnell, is taking</p> <p>2 over objections and questions here.</p> <p>3 MR. GAGE: Right.</p> <p>4 MR. JEEP DARNELL: Just so we don't</p> <p>5 forget or anything like that, there was no objection to</p> <p>6 that from any of the parties.</p> <p>7 MR. GAGE: We said that was fine.</p> <p>8 Q. (By Mr. Gage) Did Officer Flores tell you</p> <p>9 that his supervisor told him to keep Daniel on the</p> <p>10 ground waiting for medical services rather than to</p> <p>11 stand him up?</p> <p>12 MR. JEEP DARNELL: Objection, hearsay.</p> <p>13 A. No, sir, I don't know if -- what -- what was</p> <p>14 said.</p> <p>15 Q. (By Mr. Gage) So Officer Flores did not tell</p> <p>16 you that. Is that correct?</p> <p>17 A. That is correct.</p> <p>18 Q. Let's have you look at page 10 of your</p> <p>19 testimony, Exhibit 40. Never mind.</p> <p>20 A. Page 10 you said?</p> <p>21 Q. I misread it. I'm not going to follow up on</p> <p>22 that. I misread it. It would be misleading you if I</p> <p>23 went down that path so I'm not going to do that.</p> <p>24 Did you ever hear Flores say that he was</p> <p>25 going to pull up Daniel's pants so it would be more</p>

<p style="text-align: right;">190</p> <p>1 humane?</p> <p>2 A. If -- you're asking me if he ever said those</p> <p>3 words exactly?</p> <p>4 Q. Yes.</p> <p>5 A. No, I don't recall him saying that.</p> <p>6 Q. When Daniel injured his head, did it appear to</p> <p>7 you that he was trying to strike you in any way?</p> <p>8 A. I don't know if he was trying to strike me or</p> <p>9 not. I don't know what Mr. Saenz was thinking.</p> <p>10 Q. It did not appear to be against you, did it?</p> <p>11 A. No, not that I -- I could recall.</p> <p>12 Q. All right. So there's no double negative in</p> <p>13 it. Did it appear to you that Daniel tried to strike</p> <p>14 you ever with his head?</p> <p>15 A. No.</p> <p>16 Q. When you were outside the sally port, Daniel</p> <p>17 was sitting down leaning against your legs, at that</p> <p>18 point did you feel that you were in danger?</p> <p>19 A. I felt concerned, yes.</p> <p>20 Q. And what were you concerned about, your job?</p> <p>21 A. My job and the fact that Mr. Saenz could at</p> <p>22 any one moment get up and either be combative with me</p> <p>23 or run away.</p> <p>24 Q. Were you saying anything to him at that point?</p> <p>25 A. Not that I recall, sir, no.</p>	<p style="text-align: right;">192</p> <p>1 Q. Do you remember talking to Daniel while it was</p> <p>2 just the two of you outside in the sally port, patting</p> <p>3 him, saying "Everything's going to be okay"?</p> <p>4 A. I was trying to encourage him, give him</p> <p>5 encouragement as far as to cooperate with us. I</p> <p>6 remember saying something along the line that --</p> <p>7 Q. So is that a yes or a no to the question?</p> <p>8 A. Yes.</p> <p>9 Q. When you were outside in the sally port with</p> <p>10 Daniel, did it appear to you that he was either</p> <p>11 unconscious or asleep?</p> <p>12 A. I'm not sure, sir, I don't know if he was</p> <p>13 unconscious or asleep.</p> <p>14 Q. Did it feel to you like he was asleep or</p> <p>15 unconscious?</p> <p>16 A. I don't know. He had -- the only thing I</p> <p>17 could see was that he had his eyes closed.</p> <p>18 Q. Let's go to page 12 of your statement in</p> <p>19 Exhibit 40.</p> <p>20 At line 2 you said, "And I was holding</p> <p>21 him like this and at one point I leaned against the</p> <p>22 wall."</p> <p>23 Question: Right.</p> <p>24 Then you answer, "And then he kind of</p> <p>25 started squirming around and I was kind of active, hold</p>
<p style="text-align: right;">191</p> <p>1 Q. When you were with him, he was sitting down,</p> <p>2 were you able to have control of him while in the sally</p> <p>3 port when it was just the two of you?</p> <p>4 A. When I was with who, sir?</p> <p>5 Q. You and Daniel. Did you feel that you had</p> <p>6 control of him at that point?</p> <p>7 A. Outside of the sally port?</p> <p>8 Q. Correct.</p> <p>9 A. When it was just him and me?</p> <p>10 Q. Yes.</p> <p>11 A. I had the most -- I believe I had the most</p> <p>12 basic control.</p> <p>13 Q. So you're saying yes, you did have control of</p> <p>14 him. Correct?</p> <p>15 A. What do you mean by "control," sir?</p> <p>16 Q. You don't know what having control over him</p> <p>17 means?</p> <p>18 A. I mean I couldn't control what his actions</p> <p>19 were, but I mean I had -- I had him in my view and I</p> <p>20 was only attempting to -- I was trying my best to keep</p> <p>21 him upright.</p> <p>22 Q. So are you saying you had control or you did</p> <p>23 not have control?</p> <p>24 A. I would have to say at that moment, yes, I</p> <p>25 did.</p>	<p style="text-align: right;">193</p> <p>1 him back down again. But I felt like I -- I felt like</p> <p>2 he was asleep."</p> <p>3 Do you see that?</p> <p>4 A. I see it.</p> <p>5 Q. So you did at the time when you were outside</p> <p>6 with him feel like he was asleep. True?</p> <p>7 A. That's correct.</p> <p>8 Q. You can close that again.</p> <p>9 With respect to when the two of you were</p> <p>10 on the ground -- well, withdraw.</p> <p>11 Flores comes out. He decides to stand</p> <p>12 Daniel up with your assistance. Correct?</p> <p>13 A. That is correct.</p> <p>14 Q. Then a little struggle ensues where all three</p> <p>15 of you fall on to the ground. Correct?</p> <p>16 A. That's correct.</p> <p>17 MR. JEEP DARNELL: I'm going to object to</p> <p>18 facts not in evidence.</p> <p>19 Q. (By Mr. Gage) Then when you're on the ground,</p> <p>20 you're in this struggle, what were you thinking,</p> <p>21 feeling, at that point?</p> <p>22 A. Well, I was already winded, my back was</p> <p>23 hurting from -- I remember my back was feeling sore and</p> <p>24 my legs were -- my legs were really sore, burning. I</p> <p>25 was getting winded and I was having trouble getting</p>

<p style="text-align: right;">194</p> <p>1 control of Mr. Saenz and that's when he started, once 2 again, bashing his head on the ground and all I could 3 think of is what he told me -- Officer Flores told me 4 to put my hand underneath his head. I gained some 5 control of that, but the rest I did not have control. 6 And I remember thinking I'm not going to be heavy 7 enough to -- to keep my weight on his -- on his -- on 8 his -- on his body to gain control of him.</p> <p>9 Q. Let's read your statement, page 12, line 20 to 10 page 13, line 5 from Exhibit 40.</p> <p>11 A. Page 12, line what? I'm sorry.</p> <p>12 Q. Line 20.</p> <p>13 A. Yes, sir.</p> <p>14 Q. Question: He's going back to the ground and 15 now you're in a struggle. What were you feeling? What 16 was running through your head at that point in time?</p> <p>17 Answer: Here we go again, that we -- 18 here we go again. I was thinking that I needed to get, 19 you know, the strongest grip I could on him and try to 20 put my -- my whole weight on top of him, that way he 21 could stop, you know, moving around. And I was feeling 22 tired. I was feeling windy -- winded, actually.</p> <p>23 That was your testimony to that question 24 previously under oath. Correct?</p> <p>25 A. That is correct.</p>	<p style="text-align: right;">196</p> <p>1 A. I'm not sure, sir, once again what Mr. Saenz 2 was thinking.</p> <p>3 Q. Let's go to page 40 -- I'm sorry -- Exhibit 4 40, page 13.</p> <p>5 Line 14 is the question: I guess the 6 question the commander has, at this point in time, what 7 was -- what do you believe his intent to be? Do you 8 believe his intent was to harm you or to affect some 9 sort of escape just to get away from you guys?</p> <p>10 You said, "By banging his head on the 11 ground or" --</p> <p>12 Question: No. The whole deal to going 13 down on the ground.</p> <p>14 What did you testify to? You can answer.</p> <p>15 A. (Reading) Yeah, I think he was trying to 16 get -- just -- to just get us off of him and get away 17 from us as fast as -- as he could somehow.</p> <p>18 Q. So that's what -- at the time you were asked 19 that question before you were able to give an opinion 20 on his intent, weren't you?</p> <p>21 A. That is correct.</p> <p>22 Q. And you were not aware of an intent by 23 Mr. Saenz to harm you, what you were expecting was he 24 was trying to get away from you. Correct?</p> <p>25 MR. ORTEGA: Objection, calls for</p>
<p style="text-align: right;">195</p> <p>1 Q. All right. You can close that again.</p> <p>2 When you were struggling with Daniel, did 3 you have any feelings as to what his intent was?</p> <p>4 MR. ORTEGA: Objection, calls for 5 speculation.</p> <p>6 A. No.</p> <p>7 MR. JEEP DARNELL: Same objection.</p> <p>8 Q. (By Mr. Gage) I'm sorry?</p> <p>9 A. I'm not sure what Mr. Saenz was attempting to 10 do, sir.</p> <p>11 Q. Did you believe he was trying to harm you at 12 that point?</p> <p>13 MR. ORTEGA: Objection, calls for 14 speculation.</p> <p>15 A. I'm not sure if -- what he was trying to do, 16 sir, no.</p> <p>17 Q. (By Mr. Gage) You have no idea one way or 18 another. Is that your testimony?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Did you think he was trying to get away from 21 you at all?</p> <p>22 A. It seemed that way, sir.</p> <p>23 Q. Okay. And that's the only thing that you 24 thought his intent was was to get away from you rather 25 than to cause you any harm. True?</p>	<p style="text-align: right;">197</p> <p>1 speculation.</p> <p>2 MR. JEEP DARNELL: Same objection.</p> <p>3 Q. (By Mr. Gage) Go ahead.</p> <p>4 A. Whether or not he was trying to hurt me or 5 Officer Flores or somebody else or himself, I don't 6 know if he was trying to do that.</p> <p>7 Q. You just knew he was trying to get away. 8 Correct?</p> <p>9 A. That's correct.</p> <p>10 Q. And what you were most concerned about with 11 respect to if Daniel got away was that there was a new 12 contract between G4S and the El Paso Police Department 13 and you thought if he got away, you could get fired. 14 Correct?</p> <p>15 MR. JEEP DARNELL: Objection, calls for 16 speculation.</p> <p>17 MR. ORTEGA: Same objection.</p> <p>18 A. Whether or not the contract was going to -- or 19 I was going to get fired or not was -- I don't know, 20 but I had concerns for my job.</p> <p>21 Q. (By Mr. Gage) Were you concerned that Daniel 22 was going to get away from you, that it was a new 23 contract and that you were worried that then you were 24 not going to get to continue working?</p> <p>25 A. It was a concern, yes.</p>

<p style="text-align: right;">198</p> <p>1 Q. Do you believe that when a person is double</p> <p>2 cuffed rather than single cuffed, it's much easier for</p> <p>3 that person to get their hands in front of them than --</p> <p>4 MR. ORTEGA: Objection, calls for</p> <p>5 speculation.</p> <p>6 MR. JEEP DARNELL: Same objection.</p> <p>7 A. Than what?</p> <p>8 Q. (By Mr. Gage) Do you believe it's easier if a</p> <p>9 person is double cuffed, that is two sets of handcuffs</p> <p>10 are used rather than one set, is it easier for them to</p> <p>11 get their hands from behind their backs to in front of</p> <p>12 them?</p> <p>13 MR. ORTEGA: Objection, calls for</p> <p>14 speculation.</p> <p>15 A. I don't know, sir. It just depends on -- that</p> <p>16 person's ability.</p> <p>17 Q. (By Mr. Gage) So you don't know if it's</p> <p>18 easier when it's double cuffed versus a single set of</p> <p>19 handcuffs. Correct?</p> <p>20 MR. ORTEGA: Objection, calls for</p> <p>21 speculation.</p> <p>22 MR. JEEP DARNELL: Same objection.</p> <p>23 A. It just depends on different people's ability.</p> <p>24 Q. (By Mr. Gage) Let's read the relevant portion</p> <p>25 of your testimony before at page 15 of Exhibit 40.</p>	<p style="text-align: right;">200</p> <p>1 MR. ORTEGA: Objection, calls for</p> <p>2 speculation.</p> <p>3 A. Can you rephrase the question, please.</p> <p>4 Q. (By Mr. Gage) I'll be happy to. You are out</p> <p>5 in the sally port alone with Daniel, Flores comes back,</p> <p>6 decides to stand Daniel up. A little struggle ensues,</p> <p>7 the three of you all fall on the ground.</p> <p>8 Are you with me so far?</p> <p>9 A. I am.</p> <p>10 Q. After that point you saw what you thought was</p> <p>11 Daniel's head hitting the ground. Correct?</p> <p>12 A. He was hitting the ground, yes, sir.</p> <p>13 Q. So you decided on your own to put your hand</p> <p>14 under his head to protect him. Right?</p> <p>15 A. That is correct.</p> <p>16 Q. You didn't have anybody telling you to do</p> <p>17 that, you just knew to do that based on your own</p> <p>18 observations. True?</p> <p>19 A. Officer Flores mentioned it, yes, sir.</p> <p>20 Q. So it wasn't that you saw Daniel with his head</p> <p>21 on the ground that you thought would cause an injury,</p> <p>22 it's that Officer Flores told you to put your hand</p> <p>23 under him and that's why you did it. Is that correct?</p> <p>24 A. I do not recall completely, but yes, sir.</p> <p>25 Q. Let's go to page 15 at the bottom and I'm just</p>
<p style="text-align: right;">199</p> <p>1 Lines 10 through 15 are the relevant items.</p> <p>2 Question: Why were you afraid he was</p> <p>3 going to slip his hands in front of him?</p> <p>4 Answer: Because he was double cuffed.</p> <p>5 And it's much easier for a person to get their hands</p> <p>6 back in front of them with two cuffs.</p> <p>7 Do you see that testimony of yours?</p> <p>8 A. I see it, sir.</p> <p>9 Q. So when you gave your statement in April of</p> <p>10 2016, you knew that it's easier for a person when</p> <p>11 they're double cuffed to get their hands in front of</p> <p>12 them than when you're single cuffed. True?</p> <p>13 A. That is correct, according to this statement.</p> <p>14 Q. Your statement -- this statement is your</p> <p>15 statement that you gave under oath a year ago. Right?</p> <p>16 A. That's correct, sir.</p> <p>17 Q. When you saw Daniel on the pavement --</p> <p>18 MR. JEEP DARNELL: I'm going to object to</p> <p>19 that last question as misstating the facts.</p> <p>20 Q. (By Mr. Gage) When you saw Daniel on the</p> <p>21 pavement, did you feel that he could cause some injury</p> <p>22 to his own head?</p> <p>23 A. At what point when he was on the --</p> <p>24 Q. After you guys stood him up and you went back</p> <p>25 down again in the sally port?</p>	<p style="text-align: right;">201</p> <p>1 going to have you look at the questions and answers</p> <p>2 starting at line 21 to orient yourself on the time</p> <p>3 frame of the question I'm going to ask you about.</p> <p>4 MR. JEEP DARNELL: What page? I'm sorry.</p> <p>5 MR. GAGE: Page 15, line 21.</p> <p>6 Q. (By Mr. Gage) So this is talking about a</p> <p>7 struggle. You had your hand by his face and then you</p> <p>8 saw him on the pavement. So you know where we're at</p> <p>9 now. Correct?</p> <p>10 A. Yes.</p> <p>11 Q. And your testimony at page 16, starting at</p> <p>12 line 3 and going through line 7 is as follows --</p> <p>13 actually line 4: When I saw him doing that on the</p> <p>14 pavement --</p> <p>15 That is with his head.</p> <p>16 (Reading) -- I was like, oh, this guy is</p> <p>17 going to -- you know, he's going to cause more injury</p> <p>18 to himself, so I put my hand underneath him like that.</p> <p>19 Do you see that portion of your answer?</p> <p>20 A. I see it, sir.</p> <p>21 Q. So this is your saying that you saw Daniel</p> <p>22 potentially hurting his head and you on your own</p> <p>23 decided to put your hand under it. Correct?</p> <p>24 MR. ORTEGA: Objection, misstates the</p> <p>25 facts.</p>

<p style="text-align: right;">202</p> <p>1 MR. JEEP DARNELL: Same objection.</p> <p>2 Q. (By Mr. Gage) Go ahead.</p> <p>3 A. No, sir. Officer Flores mentioned it and</p> <p>4 that's when I put -- put my hand underneath his head.</p> <p>5 Q. Do you see anywhere in your testimony at pages</p> <p>6 15 or 16 that Officer Flores had told you to put your</p> <p>7 hand under his head?</p> <p>8 A. No, sir, I do not.</p> <p>9 Q. Before lunch we talked about whether you</p> <p>10 carried or dragged Daniel and you said that you did not</p> <p>11 drag him, that you carried him. Do you remember that?</p> <p>12 A. I remember that, sir.</p> <p>13 Q. So let's go to page 17 now. At line 3, on the</p> <p>14 right side, you say: My arms were -- they felt like</p> <p>15 noodles, basically from having to drag Mr. Saenz from</p> <p>16 the door all the way up.</p> <p>17 Do you see that?</p> <p>18 A. I see it, sir.</p> <p>19 Q. So this is another statement you gave</p> <p>20 previously under oath where you use the term "drag"</p> <p>21 instead of "carry." Correct?</p> <p>22 MR. ORTEGA: Objection, assumes facts not</p> <p>23 in evidence.</p> <p>24 MR. JEEP DARNELL: Same objection.</p> <p>25 MR. ORTEGA: I don't know that you've</p>	<p style="text-align: right;">204</p> <p>1 A. No, sir, I don't.</p> <p>2 Q. (By Mr. Gage) Do you know if it was more than</p> <p>3 10?</p> <p>4 MR. JEEP DARNELL: Objection, ridiculous.</p> <p>5 A. Do I know if it was more than 10 officers that</p> <p>6 worked for the El Paso Police Department back in 2013?</p> <p>7 Q. (By Mr. Gage) Yes.</p> <p>8 A. Yes, sir, I knew that.</p> <p>9 Q. Do you know if it was less than 1,000?</p> <p>10 A. I don't know, sir.</p> <p>11 Q. Do you have any better estimate than it was</p> <p>12 more than 10 and either more or less than 1,000?</p> <p>13 MR. ORTEGA: Objection, asked and</p> <p>14 answered.</p> <p>15 MR. JEEP DARNELL: Objection. There is</p> <p>16 no proper answer to that question.</p> <p>17 A. I don't know how many officers were working at</p> <p>18 the time for the El Paso Police Department -- how many</p> <p>19 sworn officers were working for the El Paso Police</p> <p>20 Department back in 2013.</p> <p>21 Q. (By Mr. Gage) Do you know how many people</p> <p>22 worked for the county and the county jail in March of</p> <p>23 2013?</p> <p>24 MR. JEEP DARNELL: Objection, foundation.</p> <p>25 Objection, speculation.</p>
<p style="text-align: right;">203</p> <p>1 established that this was a statement under oath.</p> <p>2 Q. (By Mr. Gage) You can answer my question.</p> <p>3 A. I'm sorry. What was your question?</p> <p>4 MR. GAGE: I'll have it read back.</p> <p>5 (The Court Reporter read back: So this</p> <p>6 is another statement you gave previously</p> <p>7 under oath where you use the term "drag"</p> <p>8 instead of "carry." Correct?)</p> <p>9 A. According to this statement, yes, sir.</p> <p>10 Q. (By Mr. Gage) Okay. You can close that.</p> <p>11 And how many employees worked for the</p> <p>12 El Paso Police Department in 2013? Since you worked</p> <p>13 there you should probably know that.</p> <p>14 MR. JEEP DARNELL: Objection.</p> <p>15 MR. ORTEGA: Objection, lacks foundation,</p> <p>16 calls for speculation.</p> <p>17 Q. (By Mr. Gage) Go ahead.</p> <p>18 A. I don't know how many employees worked at the</p> <p>19 El Paso Police Department in 2013.</p> <p>20 Q. Do you know how many sworn police officers</p> <p>21 there were in 2013 when you worked there?</p> <p>22 MR. JEEP DARNELL: Same objection.</p> <p>23 A. No, sir.</p> <p>24 Q. (By Mr. Gage) Do you have an estimate?</p> <p>25 MR. JEEP DARNELL: Same objection.</p>	<p style="text-align: right;">205</p> <p>1 A. No, sir, I do not know how many people worked</p> <p>2 at the county jail.</p> <p>3 Q. (By Mr. Gage) How many people were working</p> <p>4 for G4S in March of 2013 to your understanding?</p> <p>5 A. At the company as a whole?</p> <p>6 Q. Yes.</p> <p>7 A. I do not know how many people were working for</p> <p>8 G4S, sir.</p> <p>9 Q. Do you have any estimate?</p> <p>10 A. I do not, no, sir.</p> <p>11 Q. If you go to page 34, Exhibit 40, lines 10</p> <p>12 through 14, do you see you're questioned about: How</p> <p>13 did you feel when you dragged him out and then</p> <p>14 Officer Flores went back in and that double door closed</p> <p>15 and you're outside with him by yourself?</p> <p>16 You said, "I was concerned, sir."</p> <p>17 Do you see that area?</p> <p>18 A. I see it, sir.</p> <p>19 Q. So once again the term dragging Daniel was</p> <p>20 being used. Correct?</p> <p>21 A. Where, sir? In -- where?</p> <p>22 Q. Line 11.</p> <p>23 A. Yes, sir, I see it.</p> <p>24 Q. What you were concerned about when Flores left</p> <p>25 was if Daniel was to get up and to come at you or take</p>

<p style="text-align: right;">206</p> <p>1 off, you were going to lose your job. True?</p> <p>2 MR. ORTEGA: Objection, asked and</p> <p>3 answered.</p> <p>4 MR. JEEP DARNELL: Same objection.</p> <p>5 A. I'm not sure where you're seeing that, sir.</p> <p>6 Q. (By Mr. Gage) I'm just asking a question</p> <p>7 right now. I'll have the question read back. You can</p> <p>8 close that for a moment to focus on my question.</p> <p>9 A. Your question was that if he got up and ran</p> <p>10 would I lose my job?</p> <p>11 Q. Let me have the question read back for you so</p> <p>12 you'll understand it.</p> <p>13 MR. GAGE: The objections are preserved.</p> <p>14 (The Court Reporter read back: What you</p> <p>15 were concerned about when Flores left was</p> <p>16 if Daniel was to get up and commence to</p> <p>17 take off, you were going to lose your</p> <p>18 job. True?)</p> <p>19 A. That was one concern, yes, sir.</p> <p>20 Q. (By Mr. Gage) That's the main concern that</p> <p>21 you testified to in 2016. True?</p> <p>22 MR. JEEP DARNELL: Objection, foundation.</p> <p>23 Objection, assumes facts not in evidence. Objection,</p> <p>24 misstatement of the transcript.</p> <p>25 MR. ORTEGA: Same objections.</p>	<p style="text-align: right;">208</p> <p>1 if he had gotten up, I think I would have tried to gain</p> <p>2 control of Mr. Saenz again, bang on the door to have --</p> <p>3 or yell out for Flores, use some type of equipment on</p> <p>4 my belt, things of that nature, yes.</p> <p>5 Q. (By Mr. Gage) All right. Let's have you turn</p> <p>6 to page 36 of Exhibit 40.</p> <p>7 At the very top, they're talking about</p> <p>8 you're there without a weapon, it's just you and</p> <p>9 Daniel, what are you thinking. Do you see that at the</p> <p>10 very top?</p> <p>11 A. Yes, I see it.</p> <p>12 Q. Your answer was: I was thinking I hope</p> <p>13 Officer Flores gets back out here as fast as possible.</p> <p>14 Like I said my main concern -- and I was -- I was</p> <p>15 really concerned with the fact that if he -- that he</p> <p>16 was going to get back up. After I saw him kind of</p> <p>17 jitter --</p> <p>18 Question: Define concerned.</p> <p>19 Answer: Concerned. Like afraid he was</p> <p>20 going to get up and, you know, come at me or take off</p> <p>21 and there goes my job.</p> <p>22 Do you see that?</p> <p>23 A. I see it, sir.</p> <p>24 Q. So the concern that you testified to about if</p> <p>25 Daniel was to get up and do something when you were</p>
<p style="text-align: right;">207</p> <p>1 MR. JEEP DARNELL: And best evidence.</p> <p>2 Q. (By Mr. Gage) Go ahead.</p> <p>3 A. That was -- like I said that was one concern</p> <p>4 that if he gets up, that -- that'll -- that'll be my --</p> <p>5 my job. That was one concern, yes.</p> <p>6 Q. And if he -- if Daniel had gotten up and you</p> <p>7 were left alone, did you have any thoughts of what you</p> <p>8 were going to do?</p> <p>9 A. If Mr. Saenz got up?</p> <p>10 Q. Yes.</p> <p>11 A. At the moment I don't recall, sir, no.</p> <p>12 Q. Did you have a plan of what you were going to</p> <p>13 do -- Flores leaves you alone, you were with Daniel --</p> <p>14 what you were going to do if he should get combative</p> <p>15 again?</p> <p>16 A. I don't recall at the time thinking any of</p> <p>17 that, sir.</p> <p>18 Q. What do you think you would have done if</p> <p>19 Daniel had gotten up?</p> <p>20 MR. ORTEGA: Objection, calls for</p> <p>21 speculation.</p> <p>22 A. This is --</p> <p>23 MR. JEEP DARNELL: Same objection.</p> <p>24 A. This is hindsight, correct.</p> <p>25 Now, thinking back on it, I would have --</p>	<p style="text-align: right;">209</p> <p>1 alone was about your job with G4S security. Correct?</p> <p>2 A. That's correct.</p> <p>3 MR. JEEP DARNELL: Objection,</p> <p>4 misstatement of the evidence.</p> <p>5 MR. ORTEGA: Same objection.</p> <p>6 Q. (By Mr. Gage) You were then asked, the very</p> <p>7 next question: What would you have done if he would</p> <p>8 have got back up?</p> <p>9 Your answer: I probably would have, you</p> <p>10 know, started fighting him to keep him on the ground</p> <p>11 again, sir.</p> <p>12 Do you see that?</p> <p>13 A. I see it, sir.</p> <p>14 Q. And that's how you felt. True?</p> <p>15 MR. JEEP DARNELL: That's an -- I'm going</p> <p>16 to object as an improper impeachment. He's testified</p> <p>17 as to 20/20 hindsight, not what he thought at the time.</p> <p>18 MR. GAGE: That's not what the question</p> <p>19 and answer is.</p> <p>20 MR. JEEP DARNELL: It's an improper</p> <p>21 impeachment.</p> <p>22 Q. (By Mr. Gage) Your testimony in front of this</p> <p>23 board was not telling them, "Gee, this is my 20/20</p> <p>24 hindsight." You were testifying about how you felt at</p> <p>25 the time. True, sir?</p>

<p style="text-align: right;">210</p> <p>1 MR. JEEP DARNELL: He just testified 2 about that a minute ago. 3 MR. GAGE: I don't want to hear your 4 testimony, I want to hear his. 5 MR. JEEP DARNELL: I don't care what you 6 want to hear. I'm going to keep my objection that it's 7 an improper impeachment. His prior testimony today -- 8 MR. GAGE: You can say improper 9 impeachment. I just don't want you to have -- 10 MR. JEEP DARNELL: His prior testimony 11 today was that -- 12 MR. GAGE: Wait a second. 13 MR. JEEP DARNELL: -- what he answered 14 was from 20/20 hindsight. He did not recollect what he 15 was thinking at the time. Improper. 16 MR. GAGE: Let's mark this, please, in 17 case we have to go in front of the judge. 18 MR. JEEP DARNELL: Are you threatening 19 me? 20 MR. GAGE: I'm going to let you know -- 21 I'm telling you that if you keep making speaking 22 objections trying to coach a witness, I'll take you 23 into court. This is a meet and confer, it's not a 24 threat. 25 MR. JEEP DARNELL: That's a threat,</p>	<p style="text-align: right;">212</p> <p>1 with 10 different reasons and you only have one today 2 and you get to explain all that to a judge. 3 If it's improper impeachment, then it's 4 not going to be usable. But what I'm not going to 5 tolerate -- and this is part of my meet and confer -- 6 is I'm not going to allow you to start to try to 7 suggest an answer to the witness. It's just not going 8 to happen. 9 MR. JEEP DARNELL: I did not suggest an 10 answer to the witness. Number one, you argued with my 11 objection, so when you argued with my objection, I 12 argued with you. I was not coaching the witness. You 13 accuse me of being unethical again and we will have an 14 issue in front of the judge. Do not threaten me. 15 Don't accuse me of being unethical. You argued, I 16 responded to your argument. The witness is free to 17 testify as he wants to. 18 MR. GAGE: I'm not accusing you of being 19 unethical -- 20 MR. JEEP DARNELL: You absolutely did. 21 MR. GAGE: -- but I am certainly accusing 22 you of misconduct in connection with the way that you 23 are coaching a witness. 24 MR. JEEP DARNELL: I did not coach the 25 witness.</p>
<p style="text-align: right;">211</p> <p>1 number one. 2 MR. GAGE: It's an action that I'm going 3 to do -- 4 MR. JEEP DARNELL: That's a threat, 5 number one. Number two -- 6 MR. GAGE: Let me finish my statement. 7 MR. JEEP DARNELL: Number two -- 8 MR. GAGE: Let me finish. I will give 9 you the courtesy, I'll let you say everything you want, 10 I expect the same from you. 11 MR. JEEP DARNELL: You have it. 12 MR. GAGE: Here is what I'm telling you 13 so it's crystal clear. 14 There are rules of evidence and there are 15 rules of decorum during a deposition. You have the 16 right to make a legal objection. You can say any legal 17 objection that you deem is proper. 18 What you do not have the right to do, 19 however, is to start to make a speech in which you're 20 trying to coach a witness -- especially when it's not 21 even yours -- into how to respond to a question. 22 There's no legitimate purpose for you to do that. 23 All you have to do is make your legal 24 objection. You can say it's improper impeachment. The 25 nice thing about that is later on you might come up</p>	<p style="text-align: right;">213</p> <p>1 MR. GAGE: And if you want to try to 2 bring this transcript in front of the judge, I welcome 3 it. 4 MR. JEEP DARNELL: I did not coach the 5 witness. 6 MR. GAGE: And if you keep coaching the 7 witness, we will bring this in front of a judge. 8 MR. JEEP DARNELL: Again, you're 9 threatening me. I did not coach the witness. I 10 responded to your argument to my objection. 11 MR. GAGE: Can you read back the 12 question, please. 13 (The Court Reporter read back: Your 14 testimony in front of this board was not 15 telling them, "Gee, this is my 20/20 16 hindsight." You were testifying about 17 how you felt at the time, sir.) 18 Q. (By Mr. Gage) Correct? 19 A. I felt that the board was asking me how I felt 20 at that time, sir, and what -- what I thought and what 21 I saw at that time and what I would have done 22 differently. That's what I -- that's what I felt the 23 shooting -- shooting review board was about. 24 Q. Right. What -- how you were feeling at the 25 time the events took place. Correct?</p>

<p style="text-align: right;">214</p> <p>1 A. That's correct.</p> <p>2 Q. When you were outside in a struggle with</p> <p>3 Daniel and Officer Flores, from the time that you stood</p> <p>4 Daniel up all the way until he was shot, did Flores</p> <p>5 ever tell you that he was being hurt at any time or in</p> <p>6 any way by Daniel?</p> <p>7 MR. JEEP DARNELL: Objection, hearsay.</p> <p>8 A. I'm sorry. That he was being what? I'm</p> <p>9 sorry.</p> <p>10 Q. (By Mr. Gage) Hurt. Did -- did Flores ever</p> <p>11 tell you that Daniel hurt him?</p> <p>12 A. Not that -- not to my knowledge he didn't</p> <p>13 express that.</p> <p>14 Q. Did Flores ever tell you that Daniel was</p> <p>15 grabbing him anywhere?</p> <p>16 A. At any point?</p> <p>17 Q. Yes.</p> <p>18 A. No, sir.</p> <p>19 MR. JEEP DARNELL: Objection, hearsay.</p> <p>20 Q. (By Mr. Gage) Did Flores ever tell you that</p> <p>21 Daniel grabbed his crotch or testicles?</p> <p>22 MR. JEEP DARNELL: Objection, hearsay.</p> <p>23 A. No, sir, Mr. Flores never expressed that.</p> <p>24 I said, no, Mr. Flores never expressed</p> <p>25 that he was -- that Mr. Saenz grabbed him in the</p>	<p style="text-align: right;">216</p> <p>1 may be difficult for you to answer these questions the</p> <p>2 way I'm asking them. I want to explain what I'm doing.</p> <p>3 I first want to ask you your recollection of a few</p> <p>4 events based on what you saw without viewing the</p> <p>5 video -- if that's possible -- and then what you saw in</p> <p>6 the video if it's different.</p> <p>7 There may be times in the series of</p> <p>8 questions you cannot distinguish the two. That's okay.</p> <p>9 All I ask for you is that you let us know whether your</p> <p>10 answer is based on your memory of events right then</p> <p>11 without the video or if it's based on your viewing the</p> <p>12 video or it's a combination.</p> <p>13 So you understand what I'm doing?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Okay. After -- and this is first from your</p> <p>16 recollection without seeing the video.</p> <p>17 A. I understand.</p> <p>18 Q. After Daniel was shot, did you see</p> <p>19 Officer Flores reholstering his gun?</p> <p>20 A. No, sir, not to my knowledge, no.</p> <p>21 Q. Again, from your recollection of the scene.</p> <p>22 After Flores shot Daniel and his gun was in the</p> <p>23 holster, did you see him pulling his taser out from his</p> <p>24 gun belt?</p> <p>25 A. I don't recall, sir.</p>
<p style="text-align: right;">215</p> <p>1 crotch.</p> <p>2 Q. (By Mr. Gage) Did Mr. Flores ever tell you</p> <p>3 that Daniel bent his fingers back at all?</p> <p>4 A. No, Mr. --</p> <p>5 MR. JEEP DARNELL: Same objection.</p> <p>6 Q. (By Mr. Gage) You said what?</p> <p>7 A. Not -- not to my knowledge, no.</p> <p>8 Q. You've seen the videotape of the shooting many</p> <p>9 times. Correct?</p> <p>10 A. Yes, sir.</p> <p>11 Q. When is the most recent time that you looked</p> <p>12 at the video?</p> <p>13 A. Again, within -- within the last 72 hours.</p> <p>14 Q. About how much time did you spend looking at</p> <p>15 the videotapes of the shooting?</p> <p>16 A. About an hour, what the video lasts more or</p> <p>17 less.</p> <p>18 Q. Did you view it on YouTube or elsewhere?</p> <p>19 A. Since it happened? I've -- I viewed the</p> <p>20 video, yes, on YouTube, social media and during the --</p> <p>21 during when I was called at the -- to the IA -- IA</p> <p>22 office with the El Paso Police Department, they -- they</p> <p>23 afforded the -- the opportunity to look at the video</p> <p>24 then.</p> <p>25 Q. I'm going to ask you a few questions and it</p>	<p style="text-align: right;">217</p> <p>1 Q. Did Officer Flores talk to you at a time that</p> <p>2 he was patting his gun and then his taser that you saw?</p> <p>3 MR. JEEP DARNELL: Objection, hearsay.</p> <p>4 Objection, assuming facts not in evidence. And</p> <p>5 objection, misstates the prior testimony.</p> <p>6 A. I'm sorry. You said patting his gun?</p> <p>7 MR. GAGE: I'm going to -- the right</p> <p>8 objection is it was compound. I'm going to reframe the</p> <p>9 question.</p> <p>10 MR. JEEP DARNELL: I was going to give</p> <p>11 you that one.</p> <p>12 MR. GAGE: Well, you forget but that's</p> <p>13 okay.</p> <p>14 Q. (By Mr. Gage) Did you see from your personal</p> <p>15 recollection after the shooting took place,</p> <p>16 Officer Flores patting his gun and then patting his</p> <p>17 taser?</p> <p>18 A. Not to my knowledge, sir.</p> <p>19 Not to my knowledge, sir.</p> <p>20 Q. Now I'm going to ask you about your</p> <p>21 recollection of events with the benefit of having</p> <p>22 watched the video multiple times.</p> <p>23 In the video after the shooting took</p> <p>24 place, did you see Officer Flores reholstering his gun?</p> <p>25 A. I did, sir.</p>

<p>218</p> <p>1 Q. Did you after that see him pulling out his 2 taser?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Then did you or he or both of you perform CPR 5 on Mr. Saenz?</p> <p>6 A. Mr. Flores performed the CPR, sir.</p> <p>7 Q. As the CPR was taking place, did the two of 8 you talk to one another that you can recall from your 9 independent recollection without the video?</p> <p>10 A. When I lost my balance, I came back up, I 11 remember asking him what had happened and that was 12 about the extent of -- of us communicating then. And 13 then I remember pointing to him, "There's the -- 14 there's the shell." That's what I remember.</p> <p>15 Q. At this time as looking at the video, did you 16 see Officer Flores look like he was talking to you, 17 patting his gun and then patting his taser during the 18 CPR?</p> <p>19 A. With the benefit of the video?</p> <p>20 Q. Correct.</p> <p>21 A. It looked like he was, but I don't recall what 22 was said.</p> <p>23 Q. So you don't recall what he said to you at 24 that point, if anything. Correct?</p> <p>25 A. No. Not that point, no.</p>	<p>220</p> <p>1 MR. JEEP DARNELL: And objection, 2 hearsay.</p> <p>3 Q. (By Mr. Gage) When you learned of his -- 4 Daniel's arrest earlier in the day, did anyone tell you 5 that he was somehow impervious to a taser blast?</p> <p>6 A. I don't recall, sir.</p> <p>7 Q. You don't recall that happening. Correct?</p> <p>8 A. That Mr. Saenz was --</p> <p>9 Q. Impervious? In other words was not affected 10 by.</p> <p>11 A. No, sir, I don't recall.</p> <p>12 Q. You've been tased before. Correct?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And how did it feel?</p> <p>15 A. You're referring to at that point in time or 16 up to this point?</p> <p>17 Q. I don't understand your question.</p> <p>18 A. You're asking me if I had been tased prior to 19 that situation happening on March 8th or up to this 20 point, since then?</p> <p>21 Q. I wasn't really distinguishing, but now you've 22 got me curious. When were you tased in your life? 23 Better yet, how many times have you been tased in your 24 life?</p> <p>25 A. I've been tased twice, sir.</p>
<p>219</p> <p>1 Q. Were you trained in the use of a taser?</p> <p>2 A. At that time?</p> <p>3 Q. Yes.</p> <p>4 A. Yes, I was, sir.</p> <p>5 Q. Were you taught that a taser was a way to help 6 a police officer control a combative suspect without 7 having to use deadly force?</p> <p>8 A. To the best of my knowledge, yes, sir.</p> <p>9 Q. Did you have any information when you were 10 escorting Daniel through the jail on March 8th, 2013, 11 as to whether or not a taser would be effective in 12 stopping Daniel at all?</p> <p>13 A. Did I know that if a taser would have an 14 effect to stopping him?</p> <p>15 Q. Yeah.</p> <p>16 MR. ORTEGA: Objection, calls for 17 speculation.</p> <p>18 MR. JEEP DARNELL: Same objection.</p> <p>19 A. No, sir, I don't know if a taser would have 20 stopped Mr. Saenz at any point.</p> <p>21 Q. (By Mr. Gage) Had anyone told you that 22 Mr. Saenz was somehow immune to the 50,000 volts of 23 electricity that a taser inflicts on a person?</p> <p>24 MR. JEEP DARNELL: Objection, foundation.</p> <p>25 A. No, sir.</p>	<p>221</p> <p>1 Q. When was the first time?</p> <p>2 A. The first time was with the Dona Ana County 3 Detention Center.</p> <p>4 Q. And the second time?</p> <p>5 A. The second time was with the El Paso Police 6 Department.</p> <p>7 Q. Why were you tased the first time?</p> <p>8 A. The first time was -- as the instructors said, 9 it was to -- for us to gain knowledge and to see how it 10 feels when a subject is being tased, that's what the 11 instructors said, and basically to know what a taser 12 feels like and what 50,000 volts of electricity feels 13 like.</p> <p>14 Q. What did it feel like?</p> <p>15 A. It was not pleasant. Obviously, it felt like 16 shock going through your body and your muscles tensing 17 up. It was excruciating pain.</p> <p>18 Q. Did it incapacitate you?</p> <p>19 A. It did, sir.</p> <p>20 Q. The second time that you were tased by El Paso 21 PD, why were you tased then?</p> <p>22 A. For the same reason, sir.</p> <p>23 Q. Did it feel like excruciating pain the second 24 time as well?</p> <p>25 A. That is correct, sir.</p>

<p style="text-align: right;">222</p> <p>1 Q. It incapacitated you the second time as well?</p> <p>2 A. That is correct.</p> <p>3 Q. Another couple of questions where I'm asking</p> <p>4 about your memory at the time as opposed to what you</p> <p>5 saw on the video and then we'll go to the video.</p> <p>6 As the events unfolded on the loading</p> <p>7 dock, did you know Officer Flores had pulled out his</p> <p>8 gun?</p> <p>9 A. I'm sorry. The loading dock?</p> <p>10 Q. The loading dock where you left -- this is the</p> <p>11 place where Daniel was shot. Correct?</p> <p>12 A. You mean the ramp on the sally port?</p> <p>13 Q. The sally port. Okay. If that's -- let's --</p> <p>14 let's make sure you and I are using the same terms. We</p> <p>15 can call it a driveway. Will that be a good</p> <p>16 description of where the shooting took place?</p> <p>17 A. If you want to.</p> <p>18 Q. Okay. When you were on the driveway, did you</p> <p>19 know that Officer Flores had pulled his gun when he</p> <p>20 disengaged from the struggle?</p> <p>21 A. No, sir, I did not.</p> <p>22 Q. Did you see out of the corner of your eye</p> <p>23 Officer Flores going off of Daniel?</p> <p>24 A. That is correct, sir.</p> <p>25 Q. At that time did you think he was going to use</p>	<p style="text-align: right;">224</p> <p>1 Q. (By Mr. Gage) Well, you recall believing a</p> <p>2 tasing was going to take place. Correct?</p> <p>3 A. I had thought it, yes, sir.</p> <p>4 Q. And the reason that you were thinking a tasing</p> <p>5 was going to take place at that point is that is a</p> <p>6 method of gaining control from a combative subject.</p> <p>7 True?</p> <p>8 MR. ORTEGA: Objection, vague, calls for</p> <p>9 speculation.</p> <p>10 A. Once again, for the training at that point</p> <p>11 that I had, I -- I would have to say I recall that</p> <p>12 that's why I thought it, but -- but I don't know if</p> <p>13 that would have helped or not.</p> <p>14 Q. (By Mr. Gage) I wasn't really asking you yet</p> <p>15 whether you knew it would help or not. I'm just asking</p> <p>16 you thought that a taser could be used because that is</p> <p>17 a method that you were taught is useful for a combative</p> <p>18 subject in a situation like you found yourself in with</p> <p>19 Mr. Saenz. Right?</p> <p>20 MR. ORTEGA: Objection, vague.</p> <p>21 A. Not necessarily. A combative subject can mean</p> <p>22 all different -- can mean different things and you can</p> <p>23 use different types of tools for that, for that subject</p> <p>24 or that circumstance. It just depends on the</p> <p>25 circumstance.</p>
<p style="text-align: right;">223</p> <p>1 his taser on Daniel?</p> <p>2 MR. ORTEGA: Objection, calls for</p> <p>3 speculation.</p> <p>4 A. I don't know if he was or not. I just felt</p> <p>5 like -- it's -- I felt like that was going to happen,</p> <p>6 but I'm not entirely sure.</p> <p>7 Q. (By Mr. Gage) Why did you feel it was like</p> <p>8 there would be a tasing used by Flores on Daniel?</p> <p>9 A. I can't really say, sir, just for some reason</p> <p>10 it went through my mind.</p> <p>11 Q. Is it because based on the training that you</p> <p>12 received, you thought that a taser would be an</p> <p>13 appropriate use of force to help control the situation</p> <p>14 with Daniel when you were tired with arms like noodles</p> <p>15 and winded?</p> <p>16 MR. ORTEGA: Objection, calls for</p> <p>17 speculation and expert testimony and a legal</p> <p>18 conclusion.</p> <p>19 MR. JEEP DARNELL: Same objection.</p> <p>20 A. I'm not sure, sir, because it just depends on</p> <p>21 the situations. It just depends on situations,</p> <p>22 circumstances -- different circumstances. I wouldn't</p> <p>23 know if that's why Mr. Flores pulled out the taser or</p> <p>24 was about to tase -- or why I thought that was going to</p> <p>25 be a -- there was going to be a tasing involved.</p>	<p style="text-align: right;">225</p> <p>1 Q. (By Mr. Gage) It was a complete shock and</p> <p>2 surprise to you when you heard a gunshot from</p> <p>3 Mr. Flores. Correct?</p> <p>4 A. Yes, that is correct.</p> <p>5 Q. At that point you were not thinking, "Gee, we</p> <p>6 need to shoot this man," were you?</p> <p>7 A. At that -- at that point did I think we need</p> <p>8 to shoot him?</p> <p>9 Q. Correct.</p> <p>10 A. No, sir, that never crossed my mind.</p> <p>11 Q. There was a time even -- I guess the most pain</p> <p>12 that you found yourself in at any time from Daniel was</p> <p>13 when he was biting one of your fingers through a glove.</p> <p>14 Is that accurate?</p> <p>15 A. That's one point. And then when I felt what I</p> <p>16 thought was a kick, I had a -- I had a -- excuse me --</p> <p>17 I had a hard time breathing and I felt a pain in my</p> <p>18 chest.</p> <p>19 Q. At either of those times, did you ever think</p> <p>20 about raising your level of force against Daniel to get</p> <p>21 better control of him when he was on the ground, such</p> <p>22 as striking him?</p> <p>23 A. Did I think I had to do that?</p> <p>24 Q. Correct.</p> <p>25 A. No.</p>

<p style="text-align: right;">226</p> <p>1 Q. In the morning we talked about the use of</p> <p>2 force continuum and you were trained on that. Right?</p> <p>3 A. Yes, sir.</p> <p>4 Q. That use of force continuum which you were</p> <p>5 taught was depending on the amount of force someone is</p> <p>6 using on you, you would use the appropriate amount of</p> <p>7 force that was sort of consistent with what they were</p> <p>8 using. Correct?</p> <p>9 A. That's correct, sir.</p> <p>10 Q. And you were taught you could punch, kick or</p> <p>11 strike someone when they were engaging in that kind of</p> <p>12 action towards you essentially. Correct?</p> <p>13 A. To the best of my knowledge, you met force --</p> <p>14 you met the same amount of force with what you were</p> <p>15 receiving.</p> <p>16 Q. I think that's correct. I think that is</p> <p>17 something universal in police departments all over this</p> <p>18 country, actually.</p> <p>19 MR. JEEP DARNELL: Objection to</p> <p>20 testifying.</p> <p>21 MR. GAGE: You're right. I sustain your</p> <p>22 objection.</p> <p>23 MR. JEEP DARNELL: Thank you, Judge.</p> <p>24 Q. (By Mr. Gage) When you were walking Daniel</p> <p>25 into the jail from the van, from then all the way until</p>	<p style="text-align: right;">228</p> <p>1 Mr. Johnson, did he have any difficulties walking?</p> <p>2 A. He did, sir.</p> <p>3 Q. Was he using a cane?</p> <p>4 A. I believe he was not using the cane at -- his</p> <p>5 cane at the time, no.</p> <p>6 Q. What kinds of training did you receive from</p> <p>7 G4S in dealing with a combative or resistant prisoner?</p> <p>8 MR. ORTEGA: Objection, vague.</p> <p>9 MR. JEEP DARNELL: Same objection.</p> <p>10 Q. (By Mr. Gage) Go ahead.</p> <p>11 A. To my recollection G4S, when they sent us to</p> <p>12 their training, we got the training for escort holds</p> <p>13 and -- and using maneuvers on the -- on the legs to --</p> <p>14 to hook them, that way they wouldn't throw people off.</p> <p>15 That's -- that's what I can recall.</p> <p>16 Q. Let me have you look at Exhibit 40, page 22,</p> <p>17 line 24 to page 23, line 6. I'll read the question,</p> <p>18 you read your answer. Okay?</p> <p>19 A. I'm sorry. Page what? I'm sorry.</p> <p>20 Q. Page 22, line 24 to page 23, line 6.</p> <p>21 A. Okay.</p> <p>22 Q. Question: Officer Romero, what type of</p> <p>23 training did you receive through G4S as far as dealing</p> <p>24 with either a combative or resistant prisoner?</p> <p>25 You can answer.</p>
<p style="text-align: right;">227</p> <p>1 the time of the shooting, at any time did you think of</p> <p>2 calling for additional assistance from your own</p> <p>3 company, G4S, the police department, or anyone else?</p> <p>4 MR. JEEP DARNELL: Objection, asked and</p> <p>5 answered.</p> <p>6 A. No, sir, I don't recall ever thinking that.</p> <p>7 Q. (By Mr. Gage) With respect to G4S, the reason</p> <p>8 you didn't think of calling them is it was a new</p> <p>9 contract and G4S did not have enough people, it was</p> <p>10 just two officers per transport and two officers at the</p> <p>11 station. Correct?</p> <p>12 A. That is correct, there was only two officers</p> <p>13 on transport, two officers on processing.</p> <p>14 Q. So a total of four officers at -- at G4S.</p> <p>15 Correct?</p> <p>16 A. Per shift.</p> <p>17 Q. Per shift.</p> <p>18 A. On that specific contract.</p> <p>19 MR. JEEP DARNELL: Are you talking per</p> <p>20 station or in the entire city, Brad, the question?</p> <p>21 MR. GAGE: I was just asking him from his</p> <p>22 testimony before. I mean his statement is consistent</p> <p>23 with what he testified to previously.</p> <p>24 MR. JEEP DARNELL: Okay.</p> <p>25 Q. (By Mr. Gage) The other prisoner,</p>	<p style="text-align: right;">229</p> <p>1 A. (Reading) Just from what I remember, sir, was</p> <p>2 baton training, but my training came from when I used</p> <p>3 to work as a detention officer in Dona Ana County.</p> <p>4 Q. One of your main concerns -- you say it many</p> <p>5 times in your testimony -- and you can look at this,</p> <p>6 page 24, lines 1 through 7 -- you again emphasize that</p> <p>7 one of your main concerns was the fact you were working</p> <p>8 for a company with a new contract, you didn't want to</p> <p>9 do anything that would potentially jeopardize that</p> <p>10 contract. Correct?</p> <p>11 A. That's correct, sir.</p> <p>12 MR. JEEP DARNELL: I'm going to object</p> <p>13 because it misstates the transcript.</p> <p>14 Q. (By Mr. Gage) So --</p> <p>15 You can close that for a moment.</p> <p>16 -- G4S was in the business of</p> <p>17 transporting prisoners. Right?</p> <p>18 A. I would assume they were in that type of</p> <p>19 business, yes, sir.</p> <p>20 Q. That was your job?</p> <p>21 A. That was my job, yes, sir.</p> <p>22 Q. You knew at some point you would run into one</p> <p>23 or more prisoners that were going to resist or try to</p> <p>24 escape. Right?</p> <p>25 MR. ORTEGA: Objection, calls for</p>

<p style="text-align: right;">230</p> <p>1 speculation, foundation.</p> <p>2 A. I knew I was going to be dealing with</p> <p>3 prisoners, I just -- I just didn't know -- or I</p> <p>4 couldn't foresee what kind of prisoners I was going to</p> <p>5 deal with on a daily basis.</p> <p>6 Q. (By Mr. Gage) So you didn't understand that</p> <p>7 you might have someone trying to escape or fight?</p> <p>8 MR. ORTEGA: Objection, lack of</p> <p>9 foundation, calls for speculation.</p> <p>10 MR. JEEP DARNELL: Same objection.</p> <p>11 A. No, sir, I didn't know if -- if -- if I was</p> <p>12 going to be dealing with those type of prisoners, sir.</p> <p>13 Q. (By Mr. Gage) Let's -- I'll read the</p> <p>14 question, you read your answer. Make sure you're slow</p> <p>15 enough so it's understandable.</p> <p>16 A. What page? I'm sorry.</p> <p>17 Q. Page 24 of Exhibit 40, lines 10 through 16.</p> <p>18 Are you ready?</p> <p>19 A. Yes, sir. Go ahead.</p> <p>20 Q. Question: Being in the business of transport,</p> <p>21 inevitably you're going to run into somebody like</p> <p>22 Mr. Saenz that either is going to resist or out and out</p> <p>23 try to escape and all that, and the expectation I'm</p> <p>24 sure through the G4S would be you've got to take some</p> <p>25 sort of action. Correct?</p>	<p style="text-align: right;">232</p> <p>1 A. "Yes, ma'am."</p> <p>2 Q. You also testified that you had used them both</p> <p>3 before Mr. Saenz and after. Correct?</p> <p>4 A. Yes, sir.</p> <p>5 Q. But you chose not to use them with Mr. Saenz.</p> <p>6 True?</p> <p>7 A. That is correct.</p> <p>8 Q. Do you recall telling Mr. Matthews that Daniel</p> <p>9 was not going to listen or that he was going to listen</p> <p>10 for about two seconds and then he would keep doing what</p> <p>11 he was doing so just don't talk to him?</p> <p>12 A. I remember telling Mr. Matthews that, yes.</p> <p>13 Q. Did you have any similar conversations with</p> <p>14 Mr. Flores along that line?</p> <p>15 A. No, sir.</p> <p>16 Q. When you were on the ground in the driveway</p> <p>17 and after leaving the jail, did Daniel say anything</p> <p>18 that you thought was threatening like, "I'm going to</p> <p>19 kill you," or, "Beat you up," anything like that?</p> <p>20 A. Not that I recall, no.</p> <p>21 Q. When you and Flores secured your guns and</p> <p>22 ammo, do you know where Matthews was at that point?</p> <p>23 MR. JEEP DARNELL: Objection, asked and</p> <p>24 answered.</p> <p>25 Q. (By Mr. Gage) Go ahead. I think that maybe</p>
<p style="text-align: right;">231</p> <p>1 What was your answer?</p> <p>2 A. "Yes, sir."</p> <p>3 Q. In the transport van on March 8, 2013, did you</p> <p>4 have leg irons?</p> <p>5 A. I don't recall, sir.</p> <p>6 Q. Have you ever used leg irons while working for</p> <p>7 G4S?</p> <p>8 A. I -- I don't recall, sir.</p> <p>9 Q. Did you ever use leg irons before working with</p> <p>10 Mr. Saenz?</p> <p>11 A. While on G4S? Yes, to my knowledge, we did</p> <p>12 actually use leg irons at the Pebble Hills station,</p> <p>13 sir.</p> <p>14 Q. Did you use leg irons after Mr. Saenz with</p> <p>15 G4S?</p> <p>16 A. Yes, sir, we did.</p> <p>17 Q. And you had leg irons in the transport van.</p> <p>18 Right?</p> <p>19 A. I'm not sure, sir.</p> <p>20 Q. Go to page 26 of Exhibit 40, lines 11 through</p> <p>21 13 first. I'll read the question, you read your</p> <p>22 answer. Okay?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Question: Are there leg irons in the</p> <p>25 transport vans?</p>	<p style="text-align: right;">233</p> <p>1 was asked earlier before lunch and you said it was</p> <p>2 unknown. Do you recall saying that?</p> <p>3 A. I believe you asked me that, yes.</p> <p>4 Q. And you did not know. Correct?</p> <p>5 A. Do you want me to answer again?</p> <p>6 Q. Yeah.</p> <p>7 A. I'm not sure where he was, sir.</p> <p>8 Q. All right. If you go to --</p> <p>9 MR. GAGE: And by the way saying asked</p> <p>10 and answered, I have no problem with that, that's the</p> <p>11 correct thing. It's only if you say, "He said blah</p> <p>12 blah blah," that I have an issue with.</p> <p>13 Q. (By Mr. Gage) Go to page 5, please, of</p> <p>14 Exhibit 39, your statement from March 8, 2013.</p> <p>15 A. Page 5 you said?</p> <p>16 Q. Yes. That's the area that says -- the top</p> <p>17 paragraph begins, "Officer Flores and I secured our</p> <p>18 guns and ammo in the gun lockers," et cetera.</p> <p>19 Do you see that?</p> <p>20 A. I see it, sir.</p> <p>21 Q. Your testimony before was: At this time my</p> <p>22 partner Matthews was behind us with Arrestee Johnson.</p> <p>23 Do you see that?</p> <p>24 A. I see it, sir.</p> <p>25 Q. So at that point you actually did know where</p>

<p>234</p> <p>1 he was. True?</p> <p>2 A. That is correct.</p> <p>3 Q. Before lunch I asked you if one of the</p> <p>4 detention officers remained assisting with Mr. Saenz</p> <p>5 and if Officer Flores and you proceeded to drag</p> <p>6 Mr. Saenz to the elevators from the door/fence area</p> <p>7 where he dropped down face up on the ground again. Do</p> <p>8 you recall that?</p> <p>9 A. The question about the detention officer being</p> <p>10 with us?</p> <p>11 Q. Yes.</p> <p>12 A. Yes, sir, I remember that.</p> <p>13 Q. And before lunch you told us that did not</p> <p>14 happen. Right?</p> <p>15 A. That the detention officer wasn't with us?</p> <p>16 Q. That you did not drag him into the elevators.</p> <p>17 Remember that?</p> <p>18 A. Yes, sir, I remember that.</p> <p>19 Q. But in fact your statement indicates that:</p> <p>20 Officer Flores and I proceeded to drag Arrestee Saenz</p> <p>21 to the elevators from the doors/fence where he dropped</p> <p>22 down face up to the ground again.</p> <p>23 Do you see that?</p> <p>24 A. I see it, sir.</p> <p>25 Q. Before lunch I asked you about the ride up the</p>	<p>236</p> <p>1 you if Mr. Saenz was face up and if you proceeded to</p> <p>2 drag him into the holding tank and you said that did</p> <p>3 not happen. Do you remember your testimony before</p> <p>4 lunch?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Yet in this statement of yours it says: Saenz</p> <p>7 was face up. We proceeded to drag him into the holding</p> <p>8 tank.</p> <p>9 Do you see that?</p> <p>10 A. I see it.</p> <p>11 Q. Did either you or Mr. Flores, to your</p> <p>12 knowledge, speak with the county jail nurse to see if</p> <p>13 they were going to accept Mr. Saenz?</p> <p>14 A. I did not speak with the nurses at all at the</p> <p>15 county jail and I do not recall if Mr. Flores did or</p> <p>16 not.</p> <p>17 MR. JEEP DARNELL: Objection, asked and</p> <p>18 answered.</p> <p>19 Q. (By Mr. Gage) In fact you do not -- do you</p> <p>20 recall speaking with Detective Lozano?</p> <p>21 A. Do I recall speaking with Detective Lozano?</p> <p>22 Q. Correct.</p> <p>23 A. The night of March 8th?</p> <p>24 Q. Yes.</p> <p>25 A. Yes, sir, I do.</p>
<p>235</p> <p>1 elevator and you indicated that Mr. Saenz's back was</p> <p>2 against the wall. Remember that testimony?</p> <p>3 A. I remember, sir.</p> <p>4 Q. But if you look at Exhibit 39, in the next</p> <p>5 paragraph, middle of it, you say: Once we were inside</p> <p>6 the elevator we sat Arrestee Saenz down toward the back</p> <p>7 of the elevator but not against the wall of the</p> <p>8 elevator.</p> <p>9 Do you see that?</p> <p>10 A. I see it, sir.</p> <p>11 Q. Again, different testimony in your statement</p> <p>12 than what you said before lunch under oath. Correct?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Then I asked you about when the elevator doors</p> <p>15 opened if Officer Flores and you proceeded to drag</p> <p>16 Mr. Saenz out of the elevator door and you said you</p> <p>17 were not dragging him. Remember that testimony before</p> <p>18 lunch?</p> <p>19 A. I remember.</p> <p>20 Q. But if you look at your statement here, it</p> <p>21 says: Officer Flores and I proceeded to drag Arrestee</p> <p>22 Saenz out of the elevator doors.</p> <p>23 Do you see that?</p> <p>24 A. I see it, sir.</p> <p>25 Q. I then asked you if -- before lunch I asked</p>	<p>237</p> <p>1 Q. Did he ask you if either you or Flores advised</p> <p>2 the county jail nurse if they were going to accept</p> <p>3 Mr. Saenz?</p> <p>4 A. If he asked me that?</p> <p>5 Q. Yes.</p> <p>6 A. I don't remember, sir.</p> <p>7 Q. Do you recall telling him, "No, I didn't go</p> <p>8 ask the nurse and I did not see Officer Flores ask the</p> <p>9 nurse either"?</p> <p>10 A. That is correct, sir.</p> <p>11 Q. And you know that's correct because you just</p> <p>12 looked at the Exhibit 39 to refresh your memory.</p> <p>13 Correct?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Before lunch I asked you about after leaving</p> <p>16 the holding tank whether or not you dragged Daniel from</p> <p>17 the holding tank to the elevator. Do you remember</p> <p>18 that?</p> <p>19 A. Yes.</p> <p>20 Q. And you said that you did not drag him from</p> <p>21 the holding tank to the elevator. Remember that</p> <p>22 statement of yours under oath?</p> <p>23 A. I remember.</p> <p>24 Q. Let's now look at page 6 of Exhibit 39, the</p> <p>25 second paragraph, second sentence: At this time we</p>

<p style="text-align: right;">238</p> <p>1 proceeded to drag Arrestee Saenz from the holding tank 2 to the elevators. 3 Do you see that? 4 A. I see it, sir. 5 Q. There were many times as you're going through 6 these events that Daniel was not responding to you. 7 Right? 8 A. That's correct, sir. 9 Q. You characterized him as being uncooperative. 10 True? 11 A. Yes. 12 Q. But another reason why a person would not 13 respond you know is if they were unconscious. Correct? 14 MR. JEEP DARNELL: Objection, asked and 15 answered. 16 A. I wouldn't know if they would be able to 17 answer if they were unconscious or not, sir. 18 MR. JEEP DARNELL: And lack of 19 foundation. 20 Q. (By Mr. Gage) You testified earlier that 21 Officer Flores told you to put your hands on the head 22 of Daniel to prevent him from injuring his head. Do 23 you recall that? 24 A. No, sir, not on -- on his head, under his 25 head.</p>	<p style="text-align: right;">240</p> <p>1 A. And when I was asked by internal affairs, 2 that's correct. 3 Q. All right. So what happened, then, is is this 4 is a situation where you had a recollection one way, 5 but after you looked at the video, you thought that 6 your recollection of events was off a little bit at 7 least in that regard. 8 A. That's correct. 9 Q. After the shooting took place, you indicate 10 that you saw that he had a gunshot wound on the front 11 of his left shoulder and you can read along if you'd 12 like. 13 This is the fourth paragraph: I saw that 14 Arrestee Saenz was lying on his back with his hands 15 cuffed to his back. I saw that Arrestee Saenz was 16 breathing. Arrestee Saenz had a heavy breathing. I 17 could hear him wheezing like if he had liquid in his 18 throat or mouth. 19 That is what you observed. Correct? 20 A. That is correct. 21 Q. So he was alive for some period of time after 22 he got shot from your personal observation. Correct? 23 MR. JEEP DARNELL: Objection, asked and 24 answered. 25 A. That's correct, sir.</p>
<p style="text-align: right;">239</p> <p>1 Q. Under his head. If you go to page 8 of 2 Exhibit 39, the top paragraph, second sentence says: 3 Arrestee Saenz started banging his head against the 4 pavement and I attempted to place my hands on his head 5 to prevent him from injuring his head. 6 Do you see that? 7 A. I see it, sir. 8 Q. You don't have any mention of Flores telling 9 you to do that here, do you? 10 A. I do not, sir. 11 Q. And in fact you do say in your statement that 12 you placed your hand on his head as opposed to under 13 it. Correct? 14 A. That's correct. 15 Q. The third paragraph, page 8, says: Arrestee 16 Saenz was face down, he was combative and resisting us. 17 At this point I felt a kick to my chest and I remember 18 that I fell back and fell on my buttocks. 19 That's your statement. Correct? 20 A. That is correct. 21 Q. And that's the statement you told us more than 22 once today probably that was incorrect. True? 23 A. That is correct. 24 Q. That statement you determined was not accurate 25 after you looked at the videotape. Right?</p>	<p style="text-align: right;">241</p> <p>1 Q. (By Mr. Gage) And after he was shot, Daniel 2 was turning his head from side to side you saw. 3 Correct? 4 A. That is correct. 5 Q. After the shooting took place, you walked up 6 the ramp to the top area where Officer Flores was 7 located. Correct? 8 A. That is correct. 9 Q. At that time Officer Flores told you not to 10 speak to anyone about the shooting. Correct? 11 A. That is correct. 12 MR. JEEP DARNELL: Objection, hearsay. 13 Q. (By Mr. Gage) There is an interesting 14 statement at the bottom of page 9 I want to ask you 15 about. It says: I have read this statement and even 16 though it is not in my exact words, I find it to be 17 true and correct to the best of my knowledge. 18 Then there's a signature. Is that your 19 signature? 20 A. That is correct, sir. 21 Q. What in the statement was not in your exact 22 words, if you know? 23 A. I'm not sure, sir. I'd have to go back and 24 read the whole statement or the whole -- yeah, the 25 whole statement.</p>

<p style="text-align: right;">242</p> <p>1 Q. Who prepared this statement for you?</p> <p>2 A. It was Detective Lozano, sir, he's the one</p> <p>3 that typed it. I just --</p> <p>4 Q. Do you remember the topics in which your exact</p> <p>5 words were changed by him in any way?</p> <p>6 A. I'm not sure, sir. I'd have to go back and</p> <p>7 look at the statement, but like I said I'm not the one</p> <p>8 that typed it.</p> <p>9 Q. Did you have a chance to read and review it to</p> <p>10 make sure everything was accurate in your statement,</p> <p>11 Exhibit 39, before you signed it?</p> <p>12 A. That night, yes, I did.</p> <p>13 Q. And you satisfied yourself that it was still</p> <p>14 truthful even if some of your statements had been</p> <p>15 altered somehow by the detective. Correct?</p> <p>16 A. I have to say yes, sir.</p> <p>17 MR. JEEP DARNELL: There's been a change</p> <p>18 in the law since then. Now they actually have to like</p> <p>19 let people write out their own statement and do all</p> <p>20 that good stuff.</p> <p>21 MR. GAGE: Okay. When we're off the</p> <p>22 record, I'll be interested to hear about that.</p> <p>23 Q. (By Mr. Gage) When Daniel was being loaded</p> <p>24 into the van, did he -- did you ever hear him say the</p> <p>25 words "Shoot me," or anything similar?</p>	<p style="text-align: right;">244</p> <p>1 We're back on the record.</p> <p>2 Q. (By Mr. Gage) At times when you were dragging</p> <p>3 Daniel through and around the jails, you would have him</p> <p>4 a little in front of where Flores had him or behind</p> <p>5 where he had him. Correct?</p> <p>6 MR. ORTEGA: Objection, compound.</p> <p>7 MR. JEEP DARNELL: Objection, vague.</p> <p>8 A. Our positions changed constantly throughout</p> <p>9 the time -- throughout the time we were at the county</p> <p>10 jail with Mr. Saenz.</p> <p>11 Q. (By Mr. Gage) Since your positions changed as</p> <p>12 you were holding Daniel's arms and he was in handcuffs,</p> <p>13 that could put pressure on his arms or his wrists.</p> <p>14 Agreed?</p> <p>15 MR. ORTEGA: Objection, calls for</p> <p>16 speculation.</p> <p>17 A. No, sir, I don't know if that would put any</p> <p>18 pressure on his -- on -- if the changing of positions</p> <p>19 would put any pressure on his -- on his arms or wrists.</p> <p>20 Q. (By Mr. Gage) You don't know one way or</p> <p>21 another. Is that what you're saying?</p> <p>22 A. If changing positions would put pressure on</p> <p>23 his arms or wrists, no, I don't know that.</p> <p>24 Q. As an example, if you were two feet ahead of</p> <p>25 Mr. Flores at the time that you were dragging Daniel,</p>
<p style="text-align: right;">243</p> <p>1 A. No, sir.</p> <p>2 Q. At the time you were taking Daniel into the</p> <p>3 jail and you saw him shaking his head, at that time did</p> <p>4 you feel he was engaged in an assaultive movement</p> <p>5 towards yourself or Officer Flores?</p> <p>6 A. No, sir.</p> <p>7 Q. Before being knocked back by Daniel, did you</p> <p>8 hear Flores state, "Watch out," or anything similar?</p> <p>9 A. No, sir.</p> <p>10 Q. Did Officer Flores tell you he was drawing his</p> <p>11 gun at all?</p> <p>12 A. No, he did not, sir.</p> <p>13 Q. Did Flores ever tell you he was pulling his</p> <p>14 gun to try to catch the attention of Daniel?</p> <p>15 A. No, sir, he did not.</p> <p>16 Q. Did you hear Flores making any statements to</p> <p>17 Daniel, "I am pulling this gun, you better comply or</p> <p>18 else," or words to that effect?</p> <p>19 A. No, sir.</p> <p>20 MR. GAGE: All right. Let's go off</p> <p>21 record. Take a break. I might be done.</p> <p>22 THE VIDEOGRAPHER: The time is 5:05 p.m.</p> <p>23 We are now off the record.</p> <p>24 (A recess was had.)</p> <p>25 THE VIDEOGRAPHER: The time is 5:21 p.m.</p>	<p style="text-align: right;">245</p> <p>1 that distance of two feet would put pressure on his</p> <p>2 wrists and the handcuffs. Agreed?</p> <p>3 A. I'm not entirely sure, sir. It just</p> <p>4 depends -- it would depend on the person and how -- to</p> <p>5 my knowledge how -- how much they can stretch out or</p> <p>6 things of that nature, sir.</p> <p>7 Q. If you were five feet ahead of Mr. Flores, you</p> <p>8 had one arm of Daniel and Flores had the other arm, do</p> <p>9 you think that might put pressure on him that much</p> <p>10 distance?</p> <p>11 MR. ORTEGA: Objection, calls for</p> <p>12 speculation.</p> <p>13 A. I'm not certain, sir. It just depends on the</p> <p>14 situation.</p> <p>15 Q. (By Mr. Gage) Let's say you somehow were able</p> <p>16 to be 100 feet away from one another. You grab one arm</p> <p>17 in handcuffs 100 feet away and Flores with the other</p> <p>18 arm 100 feet away, do you think that much distance with</p> <p>19 that sort handcuffs would put pressure on the arms?</p> <p>20 MR. JEEP DARNELL: Objection, ridiculous.</p> <p>21 MR. ORTEGA: Objection, calls for</p> <p>22 speculation.</p> <p>23 Q. (By Mr. Gage) Go ahead.</p> <p>24 A. At that -- given those figures, I would have</p> <p>25 to say that's impossible.</p>

<p style="text-align: right;">246</p> <p>1 Q. The only way it would be possible is if an arm 2 was severed or something. Right?</p> <p>3 A. That's correct, sir.</p> <p>4 Q. Because there's a certain length of distance 5 between yourself and Flores at which point you know 6 it's going to put so much pressure on Daniel's arms, 7 they'd have to be taken off or get cut from the 8 handcuffs. Agreed?</p> <p>9 MR. ORTEGA: Objection calls for 10 speculation.</p> <p>11 MR. JEEP DARNELL: Same objection.</p> <p>12 A. I don't know if the distance -- the short 13 distance between me and Mr. Flores would put any 14 pressure on Mr. Saenz's handcuffs, sir.</p> <p>15 Q. (By Mr. Gage) All right. You don't know one 16 way or another.</p> <p>17 A. I don't know, sir.</p> <p>18 Q. So I'm going to show photos in a moment, but I 19 want to ask a couple of last questions before I do.</p> <p>20 When you had Daniel at the Pebbles 21 regional center [sic] and you transported him to the 22 jail, did he have any injuries that you saw anywhere on 23 his body?</p> <p>24 A. Not that I recall, sir, no.</p> <p>25 Q. After Daniel banged his head somehow entering</p>	<p style="text-align: right;">248</p> <p>1 from the top of his head, sir.</p> <p>2 Q. Is that the way that you saw Daniel's face 3 when you were bringing him upstairs to the holding 4 tank?</p> <p>5 A. His face was full of blood, yes, sir.</p> <p>6 Q. Just like that?</p> <p>7 A. I don't recall. Not like this, sir, no.</p> <p>8 Q. All right. Because that kind of injury to a 9 his face shows the need for immediate medical 10 treatment. Agreed?</p> <p>11 MR. ORTEGA: Objection, calls for 12 speculation and expert opinion.</p> <p>13 A. If I saw a person like that, bleeding like 14 that, yes, I would assume that they were in need of 15 medical attention.</p> <p>16 Q. (By Mr. Gage) If one of your prisoners looked 17 the way that Daniel's face looks there in Exhibit 1, 18 you would have immediately called for medical 19 treatment. Correct?</p> <p>20 MR. JEEP DARNELL: Objection, calls for 21 speculation and incomplete hypothetical.</p> <p>22 MR. ORTEGA: Same objections.</p> <p>23 A. I would -- I would have to think that that 24 person needs medical attention.</p> <p>25 Q. (By Mr. Gage) What would you have done?</p>
<p style="text-align: right;">247</p> <p>1 the jail, you were only aware of one injury near the 2 top of the front of his head. Correct?</p> <p>3 A. That is correct, sir.</p> <p>4 Q. Did you ever see Daniel doing anything that 5 would result in another injury anywhere else on his 6 body?</p> <p>7 A. Yes, sir. He was -- when we were transporting 8 him in the van, during that course he would bang his 9 head in the compartment walls on the plexiglass that 10 was directly behind my left over -- directly over my 11 left shoulder, sir.</p> <p>12 Q. But you already told us that after he exited 13 the van and before going to the jail, you did not see 14 any visible injuries from that alleged activity. 15 Correct?</p> <p>16 A. That's correct, sir.</p> <p>17 Q. All right. Now I'm going to show you some 18 photographs and ask you some questions.</p> <p>19 Exhibit 1 is a picture of Daniel. Do you 20 recognize this as Daniel's face?</p> <p>21 A. Yes, sir, I recognize it.</p> <p>22 Q. Do you know where the blood all over his face 23 came from?</p> <p>24 A. I would have to -- I would have to assume 25 based on what happened -- the events that day, it came</p>	<p style="text-align: right;">249</p> <p>1 Called for help?</p> <p>2 A. I would try to get him to -- try to get him 3 help.</p> <p>4 Q. How would you do that?</p> <p>5 A. Well, in this circumstance on March 8 with 6 Mr. Saenz, we were trying to get him help with the 7 nurses.</p> <p>8 Q. Do you think that the injuries that are 9 depicted there in Exhibit 1 were minor enough that the 10 nurse in the jail would be able to help him?</p> <p>11 MR. ORTEGA: Objection calls for 12 speculation and expert opinion.</p> <p>13 A. I'm not sure what the nurses -- how the nurses 14 gauge what injuries they can take care of or not, sir.</p> <p>15 Q. (By Mr. Gage) Exhibit 2, is this a fair and 16 accurate representation of the head injury that you 17 believe Daniel had from the head bang on the side of 18 the door?</p> <p>19 A. That is correct.</p> <p>20 Q. Let me show you Exhibit 7.</p> <p>21 Do you know who is in this picture?</p> <p>22 A. I forgot her last name, but it's Officer 23 Christine at Pebble Hills.</p> <p>24 Q. Did you -- when did you know, first, Christine 25 Aguirre?</p>

<p>250</p> <p>1 A. Gary?</p> <p>2 Q. Aguirre or whatever her last name is. When</p> <p>3 did you know this person?</p> <p>4 A. Oh, Aguirre.</p> <p>5 MR. JEEP DARNELL: Objection, improper</p> <p>6 predicate.</p> <p>7 MR. GAGE: I don't know what that even</p> <p>8 means but --</p> <p>9 MR. JEEP DARNELL: Foundation.</p> <p>10 Q. (By Mr. Gage) When did you first know who the</p> <p>11 woman in Exhibit 7 is?</p> <p>12 A. During my course of -- of employment with G4S</p> <p>13 working at the Pebble Hills station, sir. I don't</p> <p>14 recall exactly what date and time, but it was during</p> <p>15 that course.</p> <p>16 Q. Next is Exhibit 10.</p> <p>17 This is a picture of Daniel Saenz. You</p> <p>18 recognize him. Correct?</p> <p>19 A. Yes, sir.</p> <p>20 Q. In the left shoulder, that's the bullet wound</p> <p>21 that he suffered after being shot by Mr. Flores.</p> <p>22 Correct?</p> <p>23 A. That is correct.</p> <p>24 Q. Around the bullet wound on his shoulder, there</p> <p>25 are a number of markings. Do you know what the cause</p>	<p>252</p> <p>1 Q. Any of the red markings.</p> <p>2 MR. GAGE: What we'll do is -- let's have</p> <p>3 my client go out because this is going to -- and I</p> <p>4 don't want her to be seeing this.</p> <p>5 (Roswitha Saenz exits the deposition.)</p> <p>6 Q. (By Mr. Gage) All right. I'm going to show</p> <p>7 the photograph on the screen and have you kind of look</p> <p>8 at it and point out things. So you may need to stand</p> <p>9 up and we'll try to focus on it for you. Okay? If</p> <p>10 you'll come around to your lawyer and do it.</p> <p>11 Speak loudly if that doesn't work.</p> <p>12 All right. So we're looking at Exhibit</p> <p>13 10. In Exhibit 10 there's a bullet hole in the left</p> <p>14 shoulder. Correct?</p> <p>15 A. That's correct.</p> <p>16 Q. Around it in a -- kind of a circle region are</p> <p>17 a number of red marks. Do you see that?</p> <p>18 A. Are you talking about the dried blood?</p> <p>19 Q. The blood, yes.</p> <p>20 A. Okay.</p> <p>21 Q. You see that. Correct?</p> <p>22 A. I see it, sir.</p> <p>23 Q. Did Daniel have any of those red marks before</p> <p>24 he entered the jail with you and Flores that you could</p> <p>25 see since his shirt was off?</p>
<p>251</p> <p>1 of those markings is?</p> <p>2 A. I'm not entirely certain, sir, but I would</p> <p>3 have to say they were from when we were on the ground</p> <p>4 struggling with him.</p> <p>5 Q. So you believe that that injury around the</p> <p>6 bullet wound of Daniel was inflicted on him while you</p> <p>7 and Officer Flores were struggling with him. Is that</p> <p>8 correct?</p> <p>9 MR. ORTEGA: Objection, calls for</p> <p>10 speculation and expert opinion.</p> <p>11 MR. JEEP DARNELL: Same objections.</p> <p>12 Q. (By Mr. Gage) Go ahead.</p> <p>13 A. Given the circumstances of what Mr. Saenz was</p> <p>14 doing, I would have to say yes.</p> <p>15 Q. Mr. Saenz, when you took him into the jail,</p> <p>16 was not wearing a shirt. Is that a correct statement?</p> <p>17 A. That is correct.</p> <p>18 Q. So you had the opportunity to view his upper</p> <p>19 body, his torso, and everything like that. Correct?</p> <p>20 A. That is correct.</p> <p>21 Q. When he entered the jail, as you guys were</p> <p>22 dragging him, he did not have any of the markings that</p> <p>23 you see on his stomach, his waist area, his shoulder or</p> <p>24 his face. Correct?</p> <p>25 A. What markings, sir?</p>	<p>253</p> <p>1 A. Not that I recall.</p> <p>2 Q. There are red marks on the shoulder going to</p> <p>3 the neck region. Did you see any such red marks</p> <p>4 anywhere on Daniel's body before he entered the jail?</p> <p>5 A. If we're talking about the dried blood, no,</p> <p>6 sir.</p> <p>7 Q. In the stomach and hip region, there are a</p> <p>8 number of red marks on Daniel's body. Do you see</p> <p>9 those?</p> <p>10 A. Are you talking about these right here?</p> <p>11 Q. Correct.</p> <p>12 A. That is correct.</p> <p>13 Q. Did you see any of those red marks before</p> <p>14 Daniel entered the jail?</p> <p>15 A. Not that I recall.</p> <p>16 Q. With respect to all of these red marks, all of</p> <p>17 them had to occur between the time when he was in the</p> <p>18 custody of you and Flores entering the jail until he</p> <p>19 was shot and killed. Correct?</p> <p>20 MR. ORTEGA: Objection, calls for</p> <p>21 speculation and --</p> <p>22 MR. JEEP DARNELL: Same objection.</p> <p>23 MR. ORTEGA: -- and mischaracterizes his</p> <p>24 testimony.</p> <p>25 Q. (By Mr. Gage) Go ahead.</p>

<p>254</p> <p>1 A. I was going to say that I'm not too sure when 2 those red marks appeared, sir.</p> <p>3 Q. (By Mr. Gage) But you do know that they were 4 not there before Daniel was taken in the jail and they 5 were there after he was shot and killed. Correct?</p> <p>6 A. Well, I don't know if they were there after 7 they were shot and killed [sic].</p> <p>8 Q. Well, you see them in the picture, don't you?</p> <p>9 A. Yes, sir, now I see them here, but not at that 10 moment, sir.</p> <p>11 Q. All right. Because at that moment after the 12 shooting took place, you were kind of in shock, you 13 weren't examining the body of Daniel. Right?</p> <p>14 A. That is correct.</p> <p>15 Q. After he was shot, you were in the vicinity 16 for quite sometime until Daniel was taken away by 17 emergency medical services. Correct?</p> <p>18 A. I was not in close proximity to him, no.</p> <p>19 Q. How far away were you?</p> <p>20 A. Well, after medical services showed up and 21 they took over the CPR, the holding his head, I walked 22 up the ramp and -- to the right side of the ramp and 23 after that I had no direct sign -- line of sight with 24 Mr -- with Mr. Saenz.</p> <p>25 Q. You certainly don't -- you never saw anybody</p>	<p>256</p> <p>1 internal affairs?</p> <p>2 A. I'm not sure, sir. Can I read it?</p> <p>3 Q. Sure. You can just look at the second page 4 and see if that's your signature.</p> <p>5 A. The third page?</p> <p>6 Q. Third page.</p> <p>7 A. Yes, that's my signature.</p> <p>8 Q. All right.</p> <p>9 A. And my badge number at the time.</p> <p>10 MR. GAGE: What are you laughing at?</p> <p>11 MR. JEEP DARNELL: I was hoping he was 12 going to have a better response to the signature on the 13 second page. He has much greater character than I do.</p> <p>14 MR. GAGE: All right.</p> <p>15 Q. (By Mr. Gage) Did you see any of the clothing 16 Daniel had that day in his bags or with him?</p> <p>17 A. In his -- in his bag?</p> <p>18 Q. Yes.</p> <p>19 A. No, I did not go through his duffel bag, sir.</p> <p>20 Q. Did any of his clothes look to be dirty or 21 disheveled at all?</p> <p>22 A. Once again, I did not look through his bag, 23 sir, so I would not know.</p> <p>24 Q. Let me show you a photograph. I don't know if 25 we have a copy of it. I just want to know --</p>
<p>255</p> <p>1 starting to mutilate Daniel's body after he was shot, 2 did you?</p> <p>3 MR. ORTEGA: Objection, assumes facts not 4 in evidence.</p> <p>5 A. No.</p> <p>6 Q. (By Mr. Gage) And you don't believe that any 7 of the medical personnel caused any of the injuries 8 that we see in Exhibit 10 anywhere, do you?</p> <p>9 MR. ORTEGA: Objection, assumes facts not 10 in evidence, calls for speculation and calls for an 11 expert opinion.</p> <p>12 A. I'm not sure, sir.</p> <p>13 MR. JEEP DARNELL: Same objections.</p> <p>14 Q. (By Mr. Gage) Okay. You didn't -- 15 Did you see anybody inflicting any wounds 16 on Daniel after he had been shot?</p> <p>17 A. No, sir.</p> <p>18 Q. There are a couple of other pictures. You can 19 have a seat. The other photos are --</p> <p>20 MR. GAGE: Just so we have a good record, 21 I'd like to mark as the next in order the statement of 22 May 5th, 2014.</p> <p>23 (Exhibit marked, No. 41.)</p> <p>24 Q. (By Mr. Gage) Is that a fair and accurate 25 representation of the statement that you provided to</p>	<p>257</p> <p>1 MR. GAGE: We'll mark this 42. 2 (Exhibit marked, No. 42.)</p> <p>3 Q. (By Mr. Gage) It's cross-referenced Flores 4 00852.</p> <p>5 My question only is do you know what that 6 is?</p> <p>7 A. Do I know if --</p> <p>8 Q. Do you know what that photo depicts or is 9 from?</p> <p>10 A. What I see in the picture is a -- a patch from 11 the El Paso Police Department Crime Scene Unit and a 12 Call Card.</p> <p>13 Q. The next exhibit is really four pages.</p> <p>14 MR. GAGE: Maybe we'll just do them in 15 order. 43, 44, 45 and 46. We'll get these scanned and 16 e-mailed because I don't even have them anymore.</p> <p>17 (Exhibits marked, No. 43, No. 44, No. 45 18 and No. 46.)</p> <p>19 Q. (By Mr. Gage) Looking at those in order, 20 first 43, are any of those photographs of any clothing 21 that you were aware that Daniel had with him on the day 22 he was shot and killed?</p> <p>23 MR. ORTEGA: Objection, lack of 24 foundation.</p> <p>25 MR. JEEP DARNELL: Same objection.</p>

<p style="text-align: right;">258</p> <p>1 Q. (By Mr. Gage) If you don't know, you can tell 2 us that.</p> <p>3 A. Your question was do I know if --</p> <p>4 Q. Yeah. Did you see --</p> <p>5 A. -- any of these items that I see in these 6 pictures --</p> <p>7 Q. Yes.</p> <p>8 A. -- if I know he had them?</p> <p>9 No, sir, I do not.</p> <p>10 Q. All right.</p> <p>11 MR. GAGE: I'm done.</p> <p>12 MR. JEEP DARNELL: Real quick, can I see 13 what's what on the exhibits just so I don't mismark 14 mine.</p> <p>15 MR. GAGE: Sure.</p> <p>16 THE WITNESS: The UTEP shirt with a red 17 sweater, I believe, is Exhibit 43.</p> <p>18 MR. JEEP DARNELL: Okay.</p> <p>19 THE WITNESS: The red and white and 20 red -- I'm sorry -- red, white and black is Exhibit 44.</p> <p>21 MR. GAGE: Can you give the Flores Bates 22 stamp number as you're saying it, please.</p> <p>23 MR. JEEP DARNELL: I can't even read it 24 on mine so that won't help.</p> <p>25 MR. GAGE: I can read it. It's -- 43 is</p>	<p style="text-align: right;">260</p> <p>1 difference between one statement to the next you were 2 not accurate in the first statement because you had 3 seen the video and you were more accurate. It had 4 something to do with you thought he kicked you. Do you 5 remember that?</p> <p>6 A. Yes.</p> <p>7 MR. GAGE: Objection, vague, ambiguous, 8 misleading, mischaracterization.</p> <p>9 But you can answer.</p> <p>10 Q. (By Mr. Jeep Darnell) He -- he pointed you to 11 Exhibit 39, page 8, where you had told the officers -- 12 or the shooting review board that: It felt like -- it 13 felt like a kick to my chest.</p> <p>14 And he said that after you reviewed the 15 video, you found that to be not accurate. Correct?</p> <p>16 A. That is correct, sir.</p> <p>17 Q. He pointed out a lot of differences between 18 what you told officers on March 8th, 2013, and 19 seemingly different statements made at a later time and 20 your testimony today. Is that a correct summarization 21 of some of the testimony you've given?</p> <p>22 A. That is correct, sir.</p> <p>23 Q. Would you -- using Mr. Gage's words -- agree 24 that after reviewing the evidence, more specifically 25 the videos, that your prior statements specifically on</p>
<p style="text-align: right;">259</p> <p>1 Flores 00870. 44 is Flores 00874. I'll -- let me go 2 through it, it'll be simpler.</p> <p>3 MR. JEEP DARNELL: That's fine, yeah.</p> <p>4 MR. GAGE: 45 is Flores 00900, it has -- 5 it looks like socks and pants. And 46 is for 6 cross-reference Flores 00 -- maybe 890. It has a white 7 shirt, something Caballero Azteca, and a red glove.</p> <p>8 MR. JEEP DARNELL: Objection, terrible 9 Spanish.</p> <p>10 MR. GAGE: Yes. All right. Are we done, 11 guys, or do you have any questions?</p> <p>12 MR. JEEP DARNELL: I've got maybe two 13 questions.</p> <p>14 MR. GAGE: That could lead to 20 minutes 15 but go for it.</p> <p>16 EXAMINATION</p> <p>17 BY MR. JEEP DARNELL:</p> <p>18 Q. Good afternoon.</p> <p>19 A. Good afternoon, sir.</p> <p>20 Q. Late in the afternoon this afternoon, Mr. Gage 21 was pointing you back and forth between the differences 22 where you said one thing earlier and a different thing 23 later. Do you remember that line of questions as well?</p> <p>24 A. Yes, sir.</p> <p>25 Q. And at one point he said that your -- that the</p>	<p style="text-align: right;">261</p> <p>1 March 8th, 2013, were not incorrect and you were not 2 lying, they're more accurate after viewing the video?</p> <p>3 MR. GAGE: Objection, leading, compound, 4 misleading, mischaracterization, misstatement of the 5 testimony, and overbroad. You can answer.</p> <p>6 MR. JEEP DARNELL: I'll retract the 7 question because it was leading.</p> <p>8 Q. (By Mr. Jeep Darnell) Do you believe -- are 9 your questions -- your answers here today more accurate 10 than they were previously?</p> <p>11 MR. GAGE: Overbroad, compound and vague.</p> <p>12 Q. (By Mr. Jeep Darnell) Are your answers to 13 Mr. Gage's questions comparing your testimony today to 14 other times more accurate?</p> <p>15 MR. GAGE: Overbroad, compound, vague.</p> <p>16 A. Like I told Mr. Gage, this happened over a 17 long period of time and -- I mean a long time ago and 18 my memory has faded since then. I don't recall all the 19 events of that day and all the little details. I -- 20 I -- I can say with certainty that I was giving my best 21 and accurate statement at all -- at each point of 22 these -- these interviews.</p> <p>23 Q. (By Mr. Jeep Darnell) Did the period of time 24 from when you showed up at the jail on March 8, 2013, 25 until the shooting, at that time did it seem like it</p>

<p>262</p> <p>1 lasted forever?</p> <p>2 MR. GAGE: Objection, leading, vague,</p> <p>3 ambiguous.</p> <p>4 A. I had lost track of time, sir. It just -- it</p> <p>5 was a very stressful situation.</p> <p>6 Q. (By Mr. Jeep Darnell) Do you believe that</p> <p>7 viewing the video has helped you to give more accurate</p> <p>8 answers as to some of the actions that occurred that</p> <p>9 day?</p> <p>10 MR. GAGE: Objection, overbroad, vague,</p> <p>11 ambiguous, incomplete hypothetical, misleading,</p> <p>12 mischaracterization, compound and overbroad.</p> <p>13 You can answer, though.</p> <p>14 A. Yes, sir, after viewing the video, it does</p> <p>15 help to refresh my memory, sir.</p> <p>16 MR. JEEP DARNELL: No further questions.</p> <p>17 MR. GAGE: Now I'll have some.</p> <p>18 MR. JEEP DARNELL: I believe Francisco --</p> <p>19 MR. ORTEGA: No, no, he goes next.</p> <p>20 MR. GAGE: Well, you --</p> <p>21 MR. ORTEGA: No, no, no. You go next.</p> <p>22 FURTHER EXAMINATION</p> <p>23 BY MR. GAGE:</p> <p>24 Q. When you gave your testimony to the shooting</p> <p>25 review board on April 29th, 2016, before you gave that</p>	<p>264</p> <p>1 A. I see it, sir.</p> <p>2 Q. So what happens is is before you gave your</p> <p>3 statement on April 29th, 2016, you reviewed your prior</p> <p>4 statements and the videos. Correct?</p> <p>5 A. Like I said, sir, it was -- yes, it was at the</p> <p>6 IA office and social media.</p> <p>7 Q. You also reviewed the videos before you gave</p> <p>8 your IA interview on May 5th, 2014. Correct?</p> <p>9 A. That is correct, sir, and actually during the</p> <p>10 interview.</p> <p>11 Q. You had the opportunity to view the video that</p> <p>12 day before you gave your testimony that day. True?</p> <p>13 A. On -- on May 5th?</p> <p>14 Q. Yes.</p> <p>15 A. That is correct.</p> <p>16 Q. And then you had the opportunity to review the</p> <p>17 video multiple times thereafter. True?</p> <p>18 A. That is correct, sir.</p> <p>19 Q. Did you know when you were out on the driveway</p> <p>20 that you were being videotaped?</p> <p>21 A. Did I know that I was being videotaped while</p> <p>22 at the driveway at the county jail?</p> <p>23 Q. Yes. Did you know there were videos there?</p> <p>24 A. Yes, I did.</p> <p>25 Q. And you also looked at the video on the day of</p>
<p>263</p> <p>1 testimony, you had reviewed your video -- the</p> <p>2 videotape. Correct?</p> <p>3 A. If I remember correctly, it was at the IA</p> <p>4 office and social media.</p> <p>5 Q. And you reviewed your -- the video before you</p> <p>6 gave that testimony. Correct?</p> <p>7 A. Not minutes or seconds prior to that</p> <p>8 interview, but I had reviewed it within months of --</p> <p>9 months -- the time span of months, sir.</p> <p>10 Q. Did you review the two statements you gave</p> <p>11 before your testimony on April 20th, 2016, found in</p> <p>12 Exhibit 40?</p> <p>13 A. Did I review this statement prior to --</p> <p>14 Q. Before you gave that statement in Exhibit 40,</p> <p>15 you reviewed the other two statements just before</p> <p>16 giving that testimony. Right?</p> <p>17 A. I don't recall, sir.</p> <p>18 Q. Check out page 2 of Exhibit 40, line 16.</p> <p>19 Do you see it says: You provided two</p> <p>20 statements in this investigation, one to the criminal</p> <p>21 side and one to the administrative side. Is that</p> <p>22 correct?</p> <p>23 You go, "That's correct, ma'am."</p> <p>24 Do you see that?</p> <p>25 Do you see that testimony, sir?</p>	<p>265</p> <p>1 your interview on April 29th, 2016, didn't you?</p> <p>2 MR. JEEP DARNELL: Objection, asked and</p> <p>3 answered.</p> <p>4 A. Are you asking me about 4-29-2016?</p> <p>5 Q. (By Mr. Gage) Correct.</p> <p>6 MR. ORTEGA: Which exhibit are you</p> <p>7 looking at?</p> <p>8 MR. GAGE: This is Exhibit 40.</p> <p>9 MR. JEEP DARNELL: 40.</p> <p>10 A. On 4-29-2016 I did not do the shooting review</p> <p>11 board, it was --</p> <p>12 Q. (By Mr. Gage) Well, go to page 8.</p> <p>13 At the top the question is: Let me ask</p> <p>14 you when he received the cut on the top of his head --</p> <p>15 we saw the video. In your mind was it an intentional</p> <p>16 intent --</p> <p>17 Blah blah blah.</p> <p>18 Do you see that?</p> <p>19 A. I see it.</p> <p>20 Q. So they're talking about the fact that we,</p> <p>21 meaning all of you, saw the video at that time.</p> <p>22 Correct?</p> <p>23 MR. ORTEGA: Objection, calls for</p> <p>24 speculation.</p> <p>25 MR. JEEP DARNELL: Same objection.</p>

<p>266</p> <p>1 MR. ORTEGA: Assumes facts not in 2 evidence. 3 A. I'm sorry. These dates are all confusing, 4 sir. 5 Q. (By Mr. Gage) I'm just saying when you look 6 at this, page 8 there talking about the fact, "We saw 7 the video" -- do you see that at line 4? 8 A. I see it, sir. 9 Q. Again, you're discussing about, "We saw on the 10 video," at line 9. Correct? 11 A. That's correct, sir. 12 MR. JEEP DARNELL: Objection, 13 mischaracterization of the evidence. 14 MR. ORTEGA: Same objection. 15 Q. (By Mr. Gage) Then you asked, when they're 16 talking about the videos, at lines 12 to 13, "At what 17 point in the video, sir?" 18 Do you see that? 19 A. That's the question I asked, sir, yes, I see 20 it. 21 Q. Right. So what happened is is you were 22 reviewing the video with the board as part of your 23 testimony April 29th. Correct? 24 A. This is where I'm getting confused. 25 April 29th, I was not at the shooting review board,</p>	<p>268</p> <p>1 MR. ORTEGA: Objection, misstates his 2 testimony and assumes facts not in evidence. 3 MR. JEEP DARNELL: Same objection. 4 A. I don't remember seeing the video with the 5 shooting review board. 6 Q. (By Mr. Gage) How many days before your 7 testimony of May 16, 2014, had you last seen the video? 8 A. On May 5th. 9 Q. May 5th. All right. So at a minimum you saw 10 that video 11 -- no -- nine days in advance. Correct? 11 A. That's correct. 12 MR. GAGE: I have nothing else. 13 MR. JEEP DARNELL: I've got a few more 14 questions. 15 FURTHER EXAMINATION 16 BY MR. JEEP DARNELL: 17 Q. Mr. Romero -- Officer Romero, have you seen 18 the jail surveillance videos that are being referenced 19 by all the attorneys here, have you seen those broken 20 down frame by frame, where instead of one continuous 21 video, it's choppy and slowed down? 22 A. I think it was only slowed down once that I 23 recall, sir, and that was, I think, during the IA -- or 24 at the IA questioning. 25 Q. Did you review videos broken down and slowed</p>
<p>267</p> <p>1 sir. 2 Q. In the statement that you gave? 3 MR. ORTEGA: Mr. Gage, just so we're 4 clear, the Exhibit 40, which is the shooting review 5 board transcript, says that the date is May 16, 2014, 6 at 13:18 hours. 7 MR. GAGE: That's not what mine shows. 8 MR. JEEP DARNELL: Page 2. Look at the 9 top of page 2, lines 1 and 2. 10 MR. GAGE: That's interesting. It says 11 on the top of every page 4-29-2016. 12 MR. JEEP DARNELL: I agree. I agree. I 13 think that was when it was transcribed -- 14 MR. GAGE: Oh. That's even more 15 interesting. 16 MR. JEEP DARNELL: -- by the same company 17 transcribing today. 18 MR. GAGE: Then you guys can explain that 19 to me later but -- 20 Q. (By Mr. Gage) Now I'm understanding your 21 confusion. You gave testimony to the shooting review 22 board on May 16th, 2014. Is that correct? 23 A. That is correct. 24 Q. And you had seen the videos with that board at 25 that time. Correct?</p>	<p>269</p> <p>1 down, framed -- done by frame in preparation for your 2 testimony today? Don't tell me anything you told your 3 attorney or that you guys discussed. I'm just asking 4 if you reviewed those. 5 A. Not that I recall, sir, no. 6 Q. Okay. 7 MR. JEEP DARNELL: No further questions. 8 MR. GAGE: Do you have any? 9 MR. ORTEGA: Just a few. 10 EXAMINATION 11 BY MR. ORTEGA: 12 Q. Mr. Romero, were you familiar generally with 13 the G4S policies on March 8, 2013? 14 A. Yes, sir, I had familiarization with them. 15 Q. My understanding is you were asked earlier 16 today if your alleged failure to notify the El Paso 17 police dispatch or any emergency medical personnel 18 while you were at the jail constituted a violation of a 19 G4S policy. Do you recall that? 20 A. Yes, sir, I recall that. 21 Q. And my understanding was that your testimony 22 was that you felt that that was, indeed, a violation of 23 G4S policy. Is that what you testified to earlier 24 today? 25 A. That is correct, sir.</p>

<p style="text-align: right;">270</p> <p>1 Q. Was that a misstatement on your part?</p> <p>2 MR. GAGE: Objection, leading,</p> <p>3 suggestive.</p> <p>4 A. We're talking about at the jail, not in</p> <p>5 transport?</p> <p>6 Q. (By Mr. Ortega) That's correct, sir.</p> <p>7 A. Yes, sir, that was an incorrect statement.</p> <p>8 Q. Would you like to clarify that statement</p> <p>9 today?</p> <p>10 A. When I was asked about the jail, it was -- it</p> <p>11 was -- I was referencing the -- about the</p> <p>12 transporting -- during the transporting, that's when we</p> <p>13 have an obligation to notify either G4S supervisors or</p> <p>14 the police officer of a medical emergency that might or</p> <p>15 should arise while in transport, not at the county</p> <p>16 jail.</p> <p>17 Q. What do you mean by "while on transport"?</p> <p>18 A. While we're driving in the van and there's</p> <p>19 detainees in the van with us.</p> <p>20 Q. Other than that, based on your review and</p> <p>21 understanding of the G4S policies as they were</p> <p>22 implemented on March 8, 2013, were you under any</p> <p>23 impression that you had an obligation, duty or</p> <p>24 requirement to notify El Paso police dispatch or any</p> <p>25 emergency medical personnel as it related to</p>	<p style="text-align: right;">272</p> <p>1 incomplete.</p> <p>2 A. There was -- I was concern -- I was feeling</p> <p>3 concern for -- for myself, my job, obviously, and the</p> <p>4 fact of what were we going to do with Mr. Saenz as far</p> <p>5 as if we were going to transport or get FMS -- EMS</p> <p>6 personnel were going to arrive there and take care of</p> <p>7 him.</p> <p>8 Q. (By Mr. Ortega) Let's turn to Exhibit 40.</p> <p>9 Let me direct your attention to page 34, line 17.</p> <p>10 A. You said page what? I'm sorry.</p> <p>11 Q. Page 34, line 17.</p> <p>12 Are you there?</p> <p>13 A. Yes, sir.</p> <p>14 Q. You were asked at the time: What was going</p> <p>15 through your head?</p> <p>16 Did I read that accurately?</p> <p>17 MR. GAGE: Objection. In this case it</p> <p>18 becomes hearsay because it's not a prior consistent</p> <p>19 statement.</p> <p>20 But you can answer.</p> <p>21 A. Do you want me to answer what I said there?</p> <p>22 Q. (By Mr. Ortega) No, sir. I'm asking you if</p> <p>23 you could tell me if I read the question accurately.</p> <p>24 A. Yes, sir, you did.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">271</p> <p>1 Daniel Saenz in the jail?</p> <p>2 MR. GAGE: Objection, foundation,</p> <p>3 speculation, leading, overbroad, incomplete</p> <p>4 hypothetical, compound.</p> <p>5 A. This is at the county jail?</p> <p>6 Q. (By Mr. Ortega) Yes, sir.</p> <p>7 A. No, sir, since we were already -- there was</p> <p>8 already a police officer there with us.</p> <p>9 Q. You were asked earlier this afternoon about</p> <p>10 what was your concern at the time that you were outside</p> <p>11 the sally port with Daniel Saenz by yourself. Do you</p> <p>12 recall those lines of questions?</p> <p>13 A. I do, sir.</p> <p>14 Q. You testified, based on certain testimony that</p> <p>15 you provided to the shooting review board on May 16,</p> <p>16 2014, that a concern that you had was you losing your</p> <p>17 job at G4S if you couldn't control Daniel Saenz. Is</p> <p>18 that accurate?</p> <p>19 A. Yes, it is.</p> <p>20 MR. GAGE: Objection, leading, misstates</p> <p>21 prior testimony.</p> <p>22 Q. (By Mr. Ortega) What other concern, if any,</p> <p>23 did you have while you were outside the sally port by</p> <p>24 yourself with Daniel Saenz?</p> <p>25 MR. GAGE: Objection, vague, overbroad,</p>	<p style="text-align: right;">273</p> <p>1 MR. ORTEGA: Same objection.</p> <p>2 Q. (By Mr. Ortega) Now let's go to the same</p> <p>3 page, line 24.</p> <p>4 Can you read what your answer was to</p> <p>5 that question, please, out loud.</p> <p>6 A. (Reading) I was just thinking --</p> <p>7 MR. GAGE: Wait. Let me just make my</p> <p>8 objection, then you can read it.</p> <p>9 My objections are the following: One,</p> <p>10 that it's not in sequence so it's misleading,</p> <p>11 mischaracterization. Two, it would constitute hearsay</p> <p>12 in this instance. And, three, the document speaks for</p> <p>13 itself for best evidence rule.</p> <p>14 But you can answer.</p> <p>15 Q. (By Mr. Ortega) Okay. Well, let's -- let's</p> <p>16 do this instead. Read page 34, line 17 all the way</p> <p>17 through page 35, line 10, so we can have a complete</p> <p>18 question and answer session.</p> <p>19 MR. GAGE: All right. I have most of</p> <p>20 those same objections, so I'll state them and then you</p> <p>21 can read it.</p> <p>22 Hearsay, not subject to an exception.</p> <p>23 Best evidence rule. And it's not even a question, it's</p> <p>24 just having him do an act of reading.</p> <p>25 But you can do it.</p>

<p style="text-align: right;">274</p> <p>1 Q. (By Mr. Ortega) All right. I'll ask the</p> <p>2 question: What was going through your head?</p> <p>3 What was your answer?</p> <p>4 A. (Reading) I was thinking, okay, if -- I</p> <p>5 thought he was just going to go -- I just -- he was</p> <p>6 just going to go in and out, but --</p> <p>7 Q. Question: Minutes turn to -- I mean seconds</p> <p>8 to minutes. What were you thinking?</p> <p>9 What was your answer at the time, sir?</p> <p>10 A. (Reading) I was just thinking that this guy --</p> <p>11 I hope Saenz doesn't get up. I just need to keep him</p> <p>12 down because if -- if he does, then it's just going to</p> <p>13 be -- going to be me and him and he's probably either</p> <p>14 going to run away or engage me. So that's -- that's</p> <p>15 basically what's -- what's going through my mind and --</p> <p>16 and I was concerned that -- that he would get up. That</p> <p>17 was my concern. I didn't want him to get up. That's</p> <p>18 why I kept looking at him to see if he was kind of --</p> <p>19 kind of like still like this because I was thinking</p> <p>20 if he looks like he's even -- he's even going to get</p> <p>21 up, then I don't know what I'm going to do.</p> <p>22 Q. So besides the concern about you losing your</p> <p>23 job if you were unable to restrain Daniel Saenz, when</p> <p>24 you were by yourself at the sally port, did you have</p> <p>25 any other concerns based on what you just read?</p>	<p style="text-align: right;">276</p> <p>1 through with your lawyer from Exhibit 40 at pages 34 to</p> <p>2 35 and you were asked if there were other concerns and</p> <p>3 you said that dealt with getting medical attention was</p> <p>4 the only other concern. Correct.</p> <p>5 A. You said page 34?</p> <p>6 Q. 34, 35. What you read with your lawyer.</p> <p>7 A. Okay. And your question was, sir? I'm sorry.</p> <p>8 Q. And then you said other than what you read</p> <p>9 with him, your only concern dealt with getting medical</p> <p>10 attention for Daniel Saenz at that point. Correct?</p> <p>11 MR. ORTEGA: I'm sorry. Just so I'm</p> <p>12 clear, you're asking aside from what he read, did he --</p> <p>13 the additional concern was Daniel Saenz receiving</p> <p>14 medical attention. Correct?</p> <p>15 MR. GAGE: Right.</p> <p>16 MR. ORTEGA: Sorry.</p> <p>17 Q. (By Mr. Gage) Do you understand that?</p> <p>18 A. Yes, I do.</p> <p>19 Q. All right. I -- I'm happy to have your lawyer</p> <p>20 ask the question so that you're understanding it, but I</p> <p>21 just -- and he's accurate. I just -- so why don't we</p> <p>22 let your lawyer say his statement again or read it back</p> <p>23 for you so you know that is the question pending.</p> <p>24 MR. GAGE: Okay. We'll have it read</p> <p>25 back.</p>
<p style="text-align: right;">275</p> <p>1 MR. GAGE: Objection, vague, ambiguous,</p> <p>2 leading, incomplete and mischaracterization.</p> <p>3 A. My other concerns, other than Mr. Saenz, what</p> <p>4 his actions would be, and -- and how would I go about</p> <p>5 it, and my job, was to get Mr. Saenz to some medical</p> <p>6 attention, sir.</p> <p>7 Q. (By Mr. Ortega) Now, lastly, you were shown</p> <p>8 earlier this afternoon Exhibit 10, which contains a --</p> <p>9 a photo of -- of Daniel Saenz which was previously</p> <p>10 shown on the video. Do you recall that?</p> <p>11 A. I do, sir.</p> <p>12 Q. And you were asked several questions about</p> <p>13 certain red markings that are throughout Daniel Saenz's</p> <p>14 upper body. Correct?</p> <p>15 A. That's correct, sir.</p> <p>16 Q. Looking at Exhibit 10, are you able to</p> <p>17 determine if any of those markings are bruises,</p> <p>18 contusions or dry blood?</p> <p>19 MR. GAGE: Overbroad, compound.</p> <p>20 A. I'm not able to distinguish, no, sir.</p> <p>21 MR. ORTEGA: Pass the witness.</p> <p>22 MR. GAGE: I have a couple of others.</p> <p>23 FURTHER EXAMINATION</p> <p>24 BY MR. GAGE:</p> <p>25 Q. Let's start with the end first. You went</p>	<p style="text-align: right;">277</p> <p>1 So here's what I want for the record so</p> <p>2 you'll know. We'll have the question from defense</p> <p>3 counsel put in here and then his client can answer that</p> <p>4 so we'll have it all.</p> <p>5 (The Court Reporter read back: MR.</p> <p>6 ORTEGA: I'm sorry. Just so I'm clear,</p> <p>7 you're asking aside from what he read,</p> <p>8 did he -- the additional concern was</p> <p>9 Daniel Saenz receiving medical attention.</p> <p>10 Correct?)</p> <p>11 A. Yes, sir.</p> <p>12 Q. (By Mr. Gage) And that was the only other</p> <p>13 item. So there was the statements of your concerns in</p> <p>14 Exhibit 40 at pages 34 to 35 and the only other item</p> <p>15 not covered there, your testimony was, medical</p> <p>16 attention for Daniel. Correct?</p> <p>17 A. That is correct, sir.</p> <p>18 Q. Yet when you were asked those questions, you</p> <p>19 did not say that your concern was getting him medical</p> <p>20 attention, did you?</p> <p>21 A. That is correct, sir.</p> <p>22 Q. Instead what you testified to was your concern</p> <p>23 was, "There goes my job." Correct?</p> <p>24 A. That is correct, sir.</p> <p>25 MR. JEEP DARNELL: Objection,</p>

<p>278</p> <p>1 mischaracterization of the evidence.</p> <p>2 MR. ORTEGA: Same objection.</p> <p>3 Q. (By Mr. Gage) This statement of yours about</p> <p>4 your concern involved getting medical attention is</p> <p>5 something that you've testified to after you had a</p> <p>6 chance to take a break and meet with your lawyer.</p> <p>7 Correct?</p> <p>8 A. This statement here?</p> <p>9 Q. The statement you've testified to, the</p> <p>10 questions from your own counsel, he asked you questions</p> <p>11 after the two of you were able to meet at the last</p> <p>12 break. Correct?</p> <p>13 A. These questions that he asked me?</p> <p>14 Q. Let me try it a different way.</p> <p>15 A. Yes, please.</p> <p>16 Q. A short while ago we took a break. Correct?</p> <p>17 A. That's correct.</p> <p>18 Q. I don't want to have you testify to what your</p> <p>19 discussions were with your attorney, but you met with</p> <p>20 your attorney for a period of time, several minutes at</p> <p>21 least. Correct?</p> <p>22 A. That's correct.</p> <p>23 Q. It was after that meeting between you and your</p> <p>24 attorney that he has now asked you these questions on</p> <p>25 the record. Right?</p>	<p>280</p> <p>1 A. No, sir, I don't feel like that's correct.</p> <p>2 Q. You changed your testimony. This morning you</p> <p>3 testified you had violated policies of G4S. Remember</p> <p>4 that. Correct?</p> <p>5 A. That's correct.</p> <p>6 Q. You took a break this afternoon where you met</p> <p>7 with your attorney. Right?</p> <p>8 A. That's correct.</p> <p>9 Q. After that break you then changed your</p> <p>10 testimony from this morning about violating policies.</p> <p>11 Right?</p> <p>12 A. With regards to -- no, I don't feel like I</p> <p>13 violated -- or violated the -- the G4S policy. What I</p> <p>14 meant was it was -- there's a difference between the</p> <p>15 transporting and being at the county jail, sir.</p> <p>16 MR. GAGE: Move to strike, nonresponsive.</p> <p>17 Q. (By Mr. Gage) My question is simply is a</p> <p>18 timing sequence. Before your meeting with the attorney</p> <p>19 today during a break, you testified under oath to</p> <p>20 violating a policy. True?</p> <p>21 A. Which policy is that, sir?</p> <p>22 Q. The one that you have told us you violated,</p> <p>23 the transportation policy of G4S?</p> <p>24 A. Which is what, sir?</p> <p>25 Q. You don't know what -- did you answer</p>
<p>279</p> <p>1 A. That's correct.</p> <p>2 Q. And as part -- after that meeting with your</p> <p>3 attorney where you were asked questions, that's the</p> <p>4 first time today that you testified that your concern</p> <p>5 was about medical attention at this time. Correct?</p> <p>6 A. That is correct.</p> <p>7 Q. And you had not testified on three prior</p> <p>8 occasions when you were questioned under oath about</p> <p>9 this concern of yours for medical attention. True?</p> <p>10 A. That's correct, I had not put it on my</p> <p>11 statements. I had not said it in my statements, those</p> <p>12 prior statements.</p> <p>13 Q. And you had all the time you needed that you</p> <p>14 felt you needed in order to make your first statement</p> <p>15 in March 2013. Correct?</p> <p>16 A. I don't -- I don't feel like that -- that's an</p> <p>17 accurate statement that I had all the time.</p> <p>18 Q. Did anybody pressure you?</p> <p>19 A. No, sir.</p> <p>20 Q. Similarly, your discussion about policy and</p> <p>21 changing your answers under oath today, you did that</p> <p>22 only after you had a chance to meet with your attorney</p> <p>23 during the last break. Correct?</p> <p>24 MR. JEEP DARNELL: Objection, vague.</p> <p>25 Q. (By Mr. Gage) Go ahead.</p>	<p>281</p> <p>1 questions about a policy violation by your attorney two</p> <p>2 minutes ago?</p> <p>3 A. I did, sir.</p> <p>4 Q. That's what we're referring to.</p> <p>5 A. Okay.</p> <p>6 Q. This morning your testimony was different</p> <p>7 under oath than your testimony was when you were</p> <p>8 questioned by your own counsel. Correct?</p> <p>9 A. That's correct.</p> <p>10 Q. In the time between you gave your testimony</p> <p>11 this morning and the questions of your attorney, you</p> <p>12 had a chance to meet with him over a lunch break for</p> <p>13 over an hour. True?</p> <p>14 A. That's correct.</p> <p>15 Q. And you met with him for anywhere from five to</p> <p>16 twenty minutes on at least two other occasions today</p> <p>17 during this deposition. Correct?</p> <p>18 A. That's correct.</p> <p>19 MR. JEEP DARNELL: Let me object to that</p> <p>20 line of questioning on commenting on the</p> <p>21 attorney-client privilege.</p> <p>22 Q. (By Mr. Gage) You can go back to Exhibit 39,</p> <p>23 please.</p> <p>24 You said you didn't have sufficient time</p> <p>25 to review this statement, I believe. Is that correct?</p>

<p style="text-align: right;">282</p> <p>1 A. I'm sorry.</p> <p>2 Q. Did you have sufficient time to review your</p> <p>3 statement to make sure it was true and correct?</p> <p>4 A. Prior to when, sir?</p> <p>5 Q. To when you signed it.</p> <p>6 A. That I recall, I don't know how much time I</p> <p>7 sat there reading the statement, but I -- I know I read</p> <p>8 through the statement, sir.</p> <p>9 Q. Did you read the statement and find it to be</p> <p>10 true and correct?</p> <p>11 A. That's correct.</p> <p>12 Q. Did you then have a chance in May of 2014 to</p> <p>13 review that statement that you had given in March of</p> <p>14 2013?</p> <p>15 A. Not that I recall, sir.</p> <p>16 Q. Go to exhibit -- is it 41? The May 5th?</p> <p>17 MR. JEEP DARNELL: Yeah, 41.</p> <p>18 MR. GAGE: 41, thanks.</p> <p>19 Q. (By Mr. Gage) The very first question asked</p> <p>20 of you: Do you still stand by the statement you</p> <p>21 provided to CAP on 3-8-13?</p> <p>22 Answer: Yes.</p> <p>23 Do you see that?</p> <p>24 A. I see it, sir.</p> <p>25 Q. CAP, what does that stand for?</p>	<p style="text-align: right;">284</p> <p>1 A. That's correct.</p> <p>2 Q. When you did your second statement, which is</p> <p>3 Exhibit 41, did you have a chance to review the</p> <p>4 statement and make any changes or corrections to it?</p> <p>5 A. In my second statement?</p> <p>6 Q. Yes.</p> <p>7 A. Yes, I did have a chance. You're talking</p> <p>8 about the IA statement?</p> <p>9 Q. The IA statement of May 5.</p> <p>10 A. Yes.</p> <p>11 Q. You were given the opportunity to review your</p> <p>12 statement and make a change or correction if you wanted</p> <p>13 to. Right?</p> <p>14 A. That is correct.</p> <p>15 Q. And you said you did not want to do that.</p> <p>16 Right?</p> <p>17 A. That is correct.</p> <p>18 MR. JEEP DARNELL: Which one is the IA</p> <p>19 statement?</p> <p>20 MR. GAGE: 41.</p> <p>21 MR. JEEP DARNELL: I'm going to object to</p> <p>22 the characterization as a statement.</p> <p>23 Q. (By Mr. Gage) At page 3 of Exhibit 41, near</p> <p>24 the bottom, it says: I have read the above statement</p> <p>25 and find it to be true and correct to the best of my</p>
<p style="text-align: right;">283</p> <p>1 A. Crimes against persons.</p> <p>2 Q. And the statement that's being referred to is</p> <p>3 your statement from March 8th, 2013, which is marked as</p> <p>4 Exhibit 39. Right?</p> <p>5 A. That's correct.</p> <p>6 Q. So you obviously reviewed your statement of</p> <p>7 March 8, 2013, in order to answer the first question on</p> <p>8 May 5th, 2014. Agreed?</p> <p>9 A. That's correct.</p> <p>10 Q. You also had the opportunity to review the</p> <p>11 videotapes. Correct?</p> <p>12 A. Only -- only on March -- I mean May 5th did I</p> <p>13 have a chance to review the video, not my statement.</p> <p>14 Q. Is it your claim that on May 5th, 2014, you</p> <p>15 only read [sic] the video, you did not read the</p> <p>16 statement of March --</p> <p>17 A. To the best of my knowledge, yes, sir, I only</p> <p>18 saw the video.</p> <p>19 Q. So when you say in response, "Do you still</p> <p>20 stand by the statement you provided to CAP on 3-8-13?"</p> <p>21 and you said, "Yes," that was just based on your</p> <p>22 recollection because you had not read that statement?</p> <p>23 A. Well, I had read it 3-18 -- I mean 3-8-13,</p> <p>24 sir.</p> <p>25 Q. And that's the only time. Correct?</p>	<p style="text-align: right;">285</p> <p>1 knowledge. Detective J. Poust gave me the opportunity</p> <p>2 to review this statement and I do not wish to add or</p> <p>3 change anything.</p> <p>4 Do you see that sentence?</p> <p>5 A. I see it, sir.</p> <p>6 Q. There's a signature below it. Is that your</p> <p>7 signature?</p> <p>8 A. That is correct.</p> <p>9 Q. And you signed it and then it was sworn as a</p> <p>10 true affidavit in front of a notary public. Is that</p> <p>11 correct?</p> <p>12 A. That's correct.</p> <p>13 Q. Were you also advised that if you thought of</p> <p>14 any additional information that you had left out that</p> <p>15 you had the opportunity to change or correct your</p> <p>16 statement?</p> <p>17 A. I don't remember them saying that, no, sir.</p> <p>18 Q. Were you advised that if you had new</p> <p>19 information and you failed to provide it, that you</p> <p>20 could be disciplined for it?</p> <p>21 Without looking, just do you know?</p> <p>22 MR. ORTEGA: You can take look at the</p> <p>23 document. That's fine. You can take a look at the</p> <p>24 document.</p> <p>25 Q. (By Mr. Gage) Okay.</p>

<p style="text-align: right;">286</p> <p>1 A. I don't recall them saying that, if I withheld 2 information, sir. 3 Q. So now I'm going to point you to something in 4 the document. 5 Look at page 3 of Exhibit 41, second 6 paragraph: Should you remember any relevant 7 information, you are ordered to immediately notify the 8 Internal Affairs Division and provide them with the 9 information. If it is after hours, then no later than 10 the next working day to an IAD supervisor. Failure to 11 comply with any of the directives above can result in 12 discipline. 13 That's what you were told. True? 14 A. That's correct. 15 Q. You did not make any changes to your 16 statements, plural, after being advised that you were 17 ordered to provide any information that you had left 18 out, did you? 19 A. That's correct. 20 MR. GAGE: I'm done. 21 MR. JEEP DARNELL: I'm done. 22 MR. ORTEGA: I'll reserve my -- all my 23 questions at the time of trial. 24 MR. JEEP DARNELL: I'll reserve. 25 MR. GAGE: Do I have to say I reserve,</p>	<p style="text-align: right;">288</p> <p>1 CHANGES AND SIGNATURE 2 PAGE LINE CHANGE REASON FOR CHANGE 3 4 5 6 7 8 9 10 11 12 13 14 15 I, ALEJANDRO ROMERO, have read the foregoing 16 deposition and hereby affix my signature that same is 17 true and correct, except as noted herein. 18 19 _____ 20 ALEJANDRO ROMERO 21 22 SUBSCRIBED AND SWORN TO before me this the 23 _____ day of _____, 2017. 24 SEAL: 25 _____ 26 NOTARY PUBLIC 27 EXPIRES: _____ 28</p>
<p style="text-align: right;">287</p> <p>1 too? 2 THE VIDEOGRAPHER: This concludes the 3 deposition. The time is 6:19 p.m. We're off the 4 record. 5 MR. GAGE: Well, before we go off the 6 record, if it's Texas law I have to reserve, then I'm 7 reserving. 8 THE VIDEOGRAPHER: Off the record at 9 6:19. 10 (The deposition concluded.) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">289</p> <p>1 CERTIFICATION 2 3 I, the officer before whom the foregoing 4 deposition was taken, do hereby certify that I 5 personally recorded the testimony of the witness whose 6 testimony appears in the foregoing deposition; that 7 said deposition is a true record of the testimony given 8 by said witness; that I am neither attorney for, 9 related to, nor employed by any of the parties to the 10 action in which this deposition is taken, and that I am 11 not a relative or employee of any attorney employed by 12 the parties hereto, or financially interested in the 13 action. 14 15 16 17 Teri C. Finnegan 18 Certificate No. 2911 19 Expires: 12-31-2017 20 Firm No. 1 21 22 23 24 25</p>

<hr/> <p style="text-align: center;">0</p> <hr/> <p>00 259:6</p> <p>000264 3:15</p> <p>000275 3:16</p> <p>00512 3:19</p> <p>00514 3:20</p> <p>00852 257:4</p> <p>00870 259:1</p> <p>00874 259:1</p> <p>00900 259:4</p>	<p>13 194:10 196:4 231:21 266:16</p> <p>13:18 267:6</p> <p>14 196:5 205:12</p> <p>14-CV-244PRM 1:8</p> <p>15 158:12 162:10,11,15,24 198:25 199:1 200:25 201:5 202:6</p> <p>15:00 104:4</p> <p>15-minute 158:13 159:10 163:14</p>	<p>96:1 99:25 100:3,10 101:24 102:9 103:23 104:3 139:23 151:11 153:23 154:12 158:3 160:17 179:4 203:12,19,21 204:6,20,23 205:4 219:10 231:3 233:14 260:18 261:1,24 269:13 270:22 279:15 282:14 283:3,7</p>
<hr/> <p style="text-align: center;">1</p> <hr/> <p>1 229:6 247:19 248:17 249:9 267:9 289:18</p> <p>1,000 204:9,12</p> <p>1:44 160:6</p> <p>10 158:12,13 159:9 162:10,11,15,24 163:14 183:7,11 189:18,20 199:1 204:3,5,12 205:11 212:1 230:17 250:16 252:13 255:8 273:17 275:8,16</p> <p>100 245:16,17,18</p> <p>109 1:17 2:7</p> <p>10th 40:14</p> <p>11 205:22 231:20 268:10</p> <p>11:43 87:11</p> <p>1100 2:11</p> <p>12 192:18 194:9,11 266:16</p> <p>12:02 87:14</p> <p>12:41 115:19</p> <p>12:46 115:22</p> <p>12-31-2017 289:17</p> <p>12th 2:7</p>	<p>16 4:3 181:10 201:11 202:6 230:17 263:18 267:5 268:7 271:15</p> <p>160 3:15</p> <p>167 3:17</p> <p>16th 267:22</p> <p>17 168:9 202:13 272:9,11 273:16</p> <p>18:00 147:6</p> <p>185 45:23</p> <p>190 45:23</p>	<p>267:5,22 268:7 271:16 282:12 283:8,14</p> <p>2014 40:14,24,25 42:15 255:22 264:8 267:5,22 268:7 271:16 282:12 283:8,14</p> <p>2015 42:8 60:25</p> <p>2016 60:25 168:4 199:10 206:21 262:25 263:11 264:3 265:1</p> <p>2017 1:17 5:2 143:18 288:21</p> <p>2018 92:13,15</p> <p>20th 263:11</p> <p>21 201:2,5</p>
	<hr/> <p style="text-align: center;">2</p> <hr/> <p>2 4:2 181:23 192:20 249:15 263:18 267:8,9</p> <p>20 115:13 122:22 194:9,12 259:14</p> <p>20/20 209:17,23 210:14 213:15</p> <p>201 2:11</p> <p>2012 18:4,5,12 19:19 40:4 73:10,12</p> <p>2013 19:23 20:1,3,7 24:17,21 40:5,6,8,13 42:15 48:8 52:2,16 63:5,9 71:12 72:7 88:5 92:16,20 93:5 95:22</p>	<p>210 4:3</p> <p>212 2:15</p> <p>22 168:9 184:8,12 228:16,20</p> <p>23 228:17,20</p> <p>23002 2:4</p> <p>24 181:10 228:17,20 229:6 230:17 273:3</p> <p>25 168:9 181:22</p> <p>254 3:18</p> <p>256 3:21,22,23,24,25</p> <p>258 3:5</p> <p>26 15:20 231:20</p> <p>261 3:6</p>

<p>267 3:7</p> <p>268 3:8</p> <p>27 15:20,21</p> <p>274 3:9</p> <p>287 3:11</p> <p>288 3:12</p> <p>2911 289:17</p> <p>29th 168:4 262:25 264:3 265:1 266:23,25</p> <hr/> <p>3</p> <hr/> <p>3 32:8 37:13,24 163:2 169:18 201:12 202:13 284:23 286:5</p> <p>3:00 104:6 105:10</p> <p>3:07 160:9</p> <p>30 122:22</p> <p>310 2:15</p> <p>3-18 283:23</p> <p>34 205:11 272:9,11 273:16 276:1,5,6 277:14</p> <p>35 273:17 276:2,6 277:14</p> <p>36 208:6</p> <p>3-8-13 282:21 283:20,23</p> <p>39 160:15,16 163:3 164:10 169:17 175:14 233:14 235:4 237:12,24 239:2 242:11 260:11 281:22 283:4</p> <p>39A 3:15 160:13</p> <hr/> <p>4</p> <hr/> <p>4 175:14 181:10 201:13 266:7</p> <p>4:00 105:18</p>	<p>4:30 105:11</p> <p>40 3:17 108:15,16 110:25 111:4,7 168:1,2,4 180:22 183:6 184:10 189:19 192:19 194:10 196:3,4 198:25 205:11 208:6 228:16 230:17 231:20 263:12,14,18 265:8,9 267:4 272:8 276:1 277:14</p> <p>41 3:18 255:23 282:16,17,18 284:3,20,23 286:5</p> <p>42 3:21 257:1,2</p> <p>4-29-2016 265:4,10 267:11</p> <p>43 3:22 257:15,17,20 258:17,25</p> <p>44 3:23 257:15,17 258:20 259:1</p> <p>45 3:24 257:15,17 259:4</p> <p>46 3:25 257:15,18 259:5</p> <hr/> <p>5</p> <hr/> <p>5 3:4 181:22 183:6,11 194:10 233:13,15 284:9</p> <p>5:00 105:12,15</p> <p>5:05 243:22</p> <p>5:15 105:15</p> <p>5:21 243:25</p> <p>5:30 105:18 107:16</p> <p>50,000 219:22 221:12</p> <p>51 4:2</p> <p>551 41:23</p> <p>5th 255:22 264:8,13 268:8,9 282:16 283:8,12,14</p>	<hr/> <p>6</p> <hr/> <p>6 183:6,11 184:7,11 228:17,20 237:24</p> <p>6:00 147:6</p> <p>6:10 159:23</p> <p>6:15 159:23</p> <p>6:19 1:17 287:3,9</p> <p>6:30 105:19 147:7</p> <hr/> <p>7</p> <hr/> <p>7 201:12 229:6 249:20 250:11</p> <p>700 1:18</p> <p>72 62:14,16 215:13</p> <p>79901 1:18 2:7,12,16</p> <hr/> <p>8</p> <hr/> <p>8 24:17 63:5,9 88:4 99:25 100:3,10 101:23 102:9 143:18 153:23 164:6 166:8 179:4 231:3 233:14 239:1,15 249:5 260:11 261:24 265:12 266:6 269:13 270:22 283:7</p> <p>890 259:6</p> <p>8th 24:21 48:8 49:9 52:1,16 61:21 62:4 64:1 65:12 72:13 93:5 104:3 112:8,11 125:18 139:22 158:2 160:17 182:12 219:10 220:19 236:23 260:18 261:1 283:3</p> <hr/> <p>9</p> <hr/> <p>9 1:17 5:2 167:2 241:14 266:10</p> <p>9:56 1:17 5:2</p> <p>91367 2:4</p>
---	---	---

<hr/> <p style="text-align: center;">A</p> <hr/> <p>a.m 1:17 5:2 87:11</p> <p>abilities 39:6,24 75:22 76:9</p> <p>ability 16:9,14 75:15 90:25 91:21 198:16,23</p> <p>able 74:17 79:6,9,12 92:9 95:25 97:12 131:23 138:23 165:4 178:25 191:2 196:19 238:16 245:15 249:10 275:16,20 278:11</p> <p>absolutely 75:21 212:20</p> <p>academy 20:1 40:7,9,10,12,16 42:13 144:25</p> <p>accept 148:4 182:24 183:15 184:4,21 185:2 236:13 237:2</p> <p>accepted 183:2,4</p> <p>accepting 183:19</p> <p>accommodate 149:22</p> <p>accompany 106:21</p> <p>accompanying 107:4</p> <p>according 48:3 157:23 182:16 183:21 184:19 185:3,4 199:13 203:9</p> <p>accurate 64:17,18 99:15 116:23 148:13 156:23 160:20 163:20,22 164:5,11 168:7 176:7 225:14 239:24 242:10 249:16 255:24 260:2,3,15 261:2,9,14,21 262:7 271:18 276:21 279:17</p>	<p>accurately 272:16,23</p> <p>accuse 212:13,15</p> <p>accusing 212:18,21</p> <p>across 23:18 24:1</p> <p>act 83:25 149:19,22 150:6 165:22 186:18 187:2 273:24</p> <p>acted 180:7,15</p> <p>acting 123:19</p> <p>action 27:24 211:2 226:12 230:25 289:10,13</p> <p>actions 47:23 179:10 191:18 262:8 275:4</p> <p>activate 165:19</p> <p>active 192:25</p> <p>activity 247:14</p> <p>acts 14:19 15:23 16:3 88:25</p> <p>actual 112:2</p> <p>actually 68:25 125:12 137:4 138:7 161:16 194:22 201:13 226:18 231:12 233:25 242:18 264:9</p> <p>add 285:2</p> <p>additional 227:2 276:13 277:8 285:14</p> <p>Additionally 20:13</p> <p>administrative 3:19 263:21</p> <p>advance 171:2,17 268:10</p> <p>advantage 68:25 69:7 90:8</p> <p>advise 30:23 94:9</p> <p>advised 33:3 237:1 285:13,18 286:16</p> <p>affairs 41:14</p>	<p>62:2,11 64:9 240:1 256:1 286:8</p> <p>affect 7:8 16:14 196:8</p> <p>affected 220:9</p> <p>affidavit 285:10</p> <p>affirmed 141:4</p> <p>affirming 68:9</p> <p>affix 288:16</p> <p>afforded 215:23</p> <p>afraid 66:19,25 67:10,14 68:12 96:19 161:4 199:2 208:19</p> <p>afternoon 259:18,19,20 271:9 275:8 280:6</p> <p>afterwards 24:12</p> <p>against 25:23 26:10,16,24 32:24 35:13 41:15,17 54:3,14 55:10,11,17 56:6 57:24 59:10 60:16,17 112:18 120:16,18 121:1 122:2,20 123:18,21 127:8,10,15,18 129:3 150:17 158:17 162:20,21 163:6 178:14 190:10,17 192:21 225:20 235:2,7 239:3 283:1</p> <p>agencies 36:9,12,21 37:6 42:20</p> <p>agency 33:19 41:18 145:6</p> <p>agitated 11:19</p> <p>ago 9:23 20:22 47:1 52:5,6 53:6 85:5,9 199:15 210:2 261:17 278:16 281:2</p> <p>agreed 14:20 85:12 114:21 176:24</p>
--	--	--

<p>244:14 245:2 246:8 248:10 283:8</p> <p>agreement 189:1</p> <p>Aguirre 249:25 250:2,4</p> <p>ahead 8:2 15:14,15 26:3 33:16 58:23 67:20 69:6 76:1,13 80:2 86:19 101:5 120:25 124:23 126:19 140:12 142:10 155:5 156:1 166:18 173:22 174:8 197:3 202:2 203:17 207:2 228:10 230:19 232:25 244:24 245:7,23 251:12 253:25 279:25</p> <p>ahold 46:22 80:7 117:24 118:6,18 119:2 124:12 175:23 176:4</p> <p>aid 97:20,24 98:2 110:1</p> <p>al 5:4,5</p> <p>alcohol 6:24</p> <p>Alejandro 1:10,14 2:9 3:3,17 5:3,18 6:1 288:15,19</p> <p>alive 78:8,14 240:21</p> <p>allegation 42:1,3</p> <p>alleged 247:14 269:16</p> <p>allow 212:6</p> <p>allowed 22:10 48:1 84:13 89:13,15</p> <p>alone 60:1,4,14 66:3,19,23 67:1,14,17,24,25 68:3,12 90:18 109:3 137:10,23 200:5 207:7,13 209:1</p> <p>already 97:14 98:1,9</p>	<p>101:22 132:25 133:4 160:1 171:21,23 193:22 247:12 271:7,8</p> <p>altered 242:15</p> <p>am 151:17 175:25 200:9 212:21 243:17 289:8,10</p> <p>ambiguous 260:7 262:3,11 275:1</p> <p>ambulance 78:4 148:21</p> <p>Amendments 28:14 35:15</p> <p>Americans 149:19,21 150:6</p> <p>ammo 232:22 233:18</p> <p>ammunition 124:11 125:1,22</p> <p>amount 20:10 38:1 48:17 67:21 121:22 226:5,6,14</p> <p>Ana 17:23 19:20 20:4,11,15,23 22:7 46:18 69:17 73:14 221:2 229:3</p> <p>A-N-A 18:1</p> <p>angry 7:24 8:3,5,11,18,25 9:4,10,17,22,25 10:5,8,11,16,20,24, 25 11:4 12:4,21 14:9,18 15:7,22 16:2,4,18 17:5</p> <p>ankles 76:8 89:1 150:23</p> <p>answer 6:17 17:9 25:6 27:14 30:7 31:17 47:15 50:23,25 51:1,4,22 57:12 81:3,10 92:1 99:2 119:7,11 120:9 134:10 137:13 152:22 157:6</p>	<p>168:11,25 169:12 171:13,21,22,23 172:1,19 177:12 182:2 183:8,11 184:7,13 192:24 194:17 196:14 199:4 201:19 203:2 204:16 208:12,19 209:9,19 212:7,10 216:1,10 228:18,25 230:14 231:1,22 233:5 238:17 260:9 261:5 262:13 272:20,21 273:4,14,18 274:3,9 277:3 280:25 282:22 283:7</p> <p>answered 29:25 30:6 31:22 33:14 58:16,22 84:3,16 124:21 157:13 164:23 173:21 174:7 204:14 206:3 210:13 227:5 232:24 233:10 236:18 238:15 240:24 265:3</p> <p>answering 31:9 32:10 51:21 171:12</p> <p>answers 29:23 201:1 261:9,12 262:8 279:21</p> <p>anybody 19:23 37:9 44:25 47:8 60:8 91:10 101:7,8 103:7 107:3 141:16 143:22 182:14 200:16 254:25 255:15 279:18</p> <p>anymore 257:16</p> <p>anyone 94:9 97:5 133:21 134:13,17 137:3 138:6,10 141:11,18 146:10,15 180:13 219:21 220:4 227:3 241:10</p> <p>anything 6:24 20:18 32:11 33:11 37:5</p>
---	--	---

<p>50:1 53:9 54:22,24 55:2 56:23 59:24 61:23 63:6,10 64:6,11 68:4 79:19 80:11,15 81:3 82:3,7,24 86:24 87:2,3 96:1 110:13 124:19 139:11 143:21 152:3,4 154:14 170:15 172:6,7 174:16,24 187:6,14,15,19,21 188:9,19 189:5 190:24 218:24 229:9 232:17,19 242:25 243:8 247:4 269:2 285:3</p> <p>anywhere 17:14 36:2 37:16 145:6 202:5 214:15 246:22 247:5 253:4 255:8 281:15</p> <p>apart 69:8</p> <p>appear 8:5 54:16 111:18 161:12 190:6,10,13 192:10</p> <p>appeared 59:14 78:7 127:23 174:25 254:2</p> <p>appears 289:6</p> <p>applied 47:12 58:12,18</p> <p>apply 47:16</p> <p>appropriate 85:21 223:13 226:6</p> <p>approximate 105:12 111:2 121:22 162:8</p> <p>approximately 18:7 45:23 104:4 105:10,17,23 108:17 113:19 121:16 123:13,17 147:6 158:12 159:25 168:4</p> <p>April 168:4 199:9 262:25 263:11 264:3 265:1 266:23,25</p> <p>arbitration</p>	<p>61:4,5,6,7</p> <p>area 21:16,17,18 22:21 23:16,19 24:2,3,5 80:10 83:13,19 84:25 104:16 126:25 129:21,22 132:17 137:18 159:4 163:11 205:17 233:16 234:6 241:6 251:23</p> <p>areas 68:21,22 99:11</p> <p>argued 212:10,11,12,15</p> <p>argument 212:16 213:10</p> <p>argumentative 66:10 164:7 176:17</p> <p>arise 12:23,25 13:13 270:15</p> <p>arm 21:14,15 22:15,17,20 23:11,13,16,17,18,1 9 24:1 58:8 77:3 130:1,3 131:12,17 180:11 245:8,16,18 246:1</p> <p>armed 99:12</p> <p>armpit 21:16,17 22:21 23:17 24:2 129:22 130:25 131:10,13,17</p> <p>armpits 131:3</p> <p>arms 70:15,16,19 71:15 76:20 77:1 111:12 112:18,25 117:24 118:19 119:2 125:11 131:2,9 133:25 135:4,22 136:3,9,20,24 137:4 138:7,13 152:9 164:18 175:24 176:5 202:14 223:14 244:12,13,19,23 245:19 246:6</p>	<p>arose 155:17</p> <p>arrest 45:7 220:4</p> <p>arrested 185:10</p> <p>Arrestee 118:16,18 163:5 175:24 176:2,4,9 177:2,3,17,18 233:22 234:20 235:6,21 238:1 239:3,15 240:14,15,16</p> <p>arrestees 32:22</p> <p>arrival 94:3</p> <p>arrive 94:3 96:22 97:1 105:16 128:18 272:6</p> <p>arrived 78:2 94:3,4,25 104:11,13 105:24 107:15,18 159:5 185:23 187:9</p> <p>arriving 116:4</p> <p>aside 276:12 277:7</p> <p>asleep 192:11,13,14 193:2,6</p> <p>assaulted 185:13</p> <p>assaultive 150:17 243:4</p> <p>assess 19:3</p> <p>assign 91:19</p> <p>assignment 104:8,9</p> <p>assist 77:20 93:6 97:17 98:7,9 99:7,9,12 109:8,12 126:1 129:5 131:23 150:7</p> <p>assistance 16:20 17:4 92:14,17 95:16 96:9,10 97:6,11,19,20,25 98:3 100:8 109:3,14,25 126:3 146:11,16,19,23 147:3 167:22 168:21</p>
--	--	--

193:12 227:2	281:1,11 289:8,11	balanced 54:7 55:20
assisted 93:10	attorney-client	128:12 158:20
109:16 110:21	281:21	bang 77:14 114:11
assisting 125:21	attorneys 268:19	208:2 247:8 249:17
151:19 234:4	Audio 3:17	banged 246:25
associated 8:18	August 1:16 5:2	banging 196:10 239:3
assume 16:13 39:1	40:25 143:18	bangs 173:9,19
59:17 78:22 124:2	authorized 109:20,21	barricaded 96:18
148:2 229:18 247:24	available 22:10	baseball 50:12
248:14	70:7,11 73:19 150:7	based 9:4 16:1 32:24
assumes 9:13 47:13	avoid 87:17 98:20	39:4 79:21 82:23
169:10 202:22	178:24	178:25 200:17
206:23 255:3,9	aware 15:6 45:16	216:4,10,11 223:11
266:1 268:2	70:1 72:7 82:12	247:25 270:20
assuming 217:4	87:16,20	271:14 274:25
Atkins 183:13	92:13,16,19,20	283:21
attach 89:5	99:22 106:4	bash 64:25
attached 89:18	171:1,15 183:14	bashing 77:2 180:10
attainable 91:12	196:22 247:1 257:21	194:2
attempt 44:14 59:11	awareness 179:17,20	basic 191:12
130:18 172:22	186:7	basically 53:3
173:10	away 44:5,6 46:11,23	148:21 150:20
attempted 25:2,3,10	47:4,6 77:1	154:17 202:15
120:10 125:15	90:10,13,20,22	221:11 274:15
129:2,20 131:3	105:1 108:13 129:6	basis 230:5
134:18 152:9 239:4	133:12 135:19 148:9	bat 50:12
attempting 64:25	159:10 187:8 190:23	Bates 3:15,19 258:21
111:8 128:13,16,21	195:20,24	baton 145:19 229:2
131:21 138:25 143:5	196:9,16,24	Beat 232:19
163:22 175:2 176:20	197:7,11,13,22	became 40:23 154:9
191:20 195:9	245:16,17,18	become 37:18,19
attempts 60:16	254:16,19 274:14	94:11 165:21
attention 147:23	Azteca 259:7	becomes 272:18
148:6,8,12,19,23		begins 173:11 233:17
152:18 155:9 167:2		behalf 1:5 5:10,12
184:23 243:14		186:19
248:15,24 272:9		behavior 150:17
275:6 276:3,10,14		178:25 179:4,12,13
277:9,16,20 278:4		181:15
279:5,9		behind 22:15,17,25
attorney 27:22 269:3		
278:19,20,24		
279:3,22 280:7,18		

<p>23:6 70:19 71:5,16 77:13,15 88:21 89:17 106:11 113:18 114:1,8 124:18 130:5 131:16 135:5,22 136:3,9,14,20,24 137:4 138:7,13 165:3 179:24,25 180:4,9 186:6 198:11 233:22 244:4 247:10</p> <p>believe 7:1 28:23 40:4 44:4,17 60:20 64:12 78:14 81:4 82:24 86:24 87:4 96:10 100:25 101:23 102:9 103:1,3 117:13 124:14 125:13,23 127:7 129:2 137:8 139:7,8 141:4 142:2,11 146:5,25 147:1,9 152:17 154:24 160:22,24 161:2 166:15 180:16 182:23 185:12 186:20 191:11 195:11 196:7,8 198:1,8 228:4 233:3 249:17 251:5 255:6 258:17 261:8 262:6,18 281:25</p> <p>believed 47:3 81:22 156:21 157:20</p> <p>believing 224:1</p> <p>belly 71:21,23,24,25 72:6,19,24 73:6,9,15,16,18,22 87:25 88:2,10,14</p> <p>belt 80:9 83:6,8,9,19,21 151:1 162:3,7,9,16,22 163:9 208:4 216:24</p> <p>belts 150:21</p>	<p>bench 129:14,15</p> <p>benefit 70:18 95:24 217:21 218:19</p> <p>benefits 93:12</p> <p>bent 215:3</p> <p>besides 72:13 74:2 139:6 170:21 274:22</p> <p>best 6:23 7:2,6,14 63:17 69:14 78:23 105:9 140:14,16,20 146:4,24 154:13 168:8 175:23 177:10 191:20 207:1 219:8 226:13 241:17 261:20 273:13,23 283:17 284:25</p> <p>Betancourt 2:19</p> <p>better 204:11 220:23 225:21 243:17 256:12</p> <p>bgage@goldbergandgag e.com 2:5</p> <p>bicep 129:21 130:2</p> <p>bicep/tricep 21:18 22:20</p> <p>biceps/triceps 23:19</p> <p>billy 71:22</p> <p>bit 57:6 58:7,14 86:23 240:6</p> <p>biting 65:3 225:13</p> <p>black 258:20</p> <p>blah 233:11,12 265:17</p> <p>blank 53:3,8</p> <p>blast 220:5</p> <p>bleed 122:8</p> <p>bleeding 120:22 121:3,5 122:13 152:10,24 248:13</p> <p>blocked 110:6</p>	<p>blocking 110:14</p> <p>blood 77:22 121:9,13 123:5,15,16 152:13 184:3,15 247:22 248:5 252:18,19 253:5 275:18</p> <p>blows 11:18</p> <p>board 3:17 168:3 182:14 209:23 213:14,19,23 260:12 262:25 265:11 266:22,25 267:5,22,24 268:5 271:15</p> <p>bodily 103:7,10 132:11,13</p> <p>body 23:18 24:1,6 135:6 162:19,20 194:8 221:16 246:23 247:6 251:19 253:4,8 254:13 255:1 275:14</p> <p>booking 106:22 107:5,23 184:14</p> <p>Border 41:21 145:15 146:2</p> <p>born 20:2</p> <p>bottom 150:21 169:19 200:25 241:14 284:24</p> <p>Boulevard 2:4</p> <p>Brad 79:3 85:15 186:11 188:25 227:20</p> <p>Bradley 2:3 5:9</p> <p>break 79:4 85:2,10,12 87:10 115:13 151:16 243:21 278:6,12,16 279:23 280:6,9,19 281:12</p> <p>breath 54:8,10</p> <p>breathing 54:11</p>
---	--	--

78:15,16,20 79:7,9 225:17 240:16 bring 46:11 70:16 213:2,7 bringing 46:24 161:18 248:3 broad 133:23 broke 41:22 42:1 broken 42:9,10 132:18 268:19,25 brought 91:11 bruises 275:17 buddy 56:15 building 110:16 bullet 250:20,24 251:6 252:13 burning 193:24 business 229:16,19 230:20 buttocks 239:18 button 116:3 165:17 166:4,9	257:12 care 85:8 141:13 142:5 153:17 154:15 179:7,14,19 180:6,14 210:5 249:14 272:6 career 18:19 28:1 34:2 98:4 153:20 carefully 6:15 63:14 111:15 carried 119:18 175:11 202:10,11 carries 6:10 carry 91:16 92:25 119:19 120:10 128:16,21 130:19,24 131:4,6,9 132:3 151:5 152:9 176:20 202:21 203:8 carrying 128:20 129:17,23 130:5,17,20 131:24 176:14,24 178:10 case 50:18 51:7 99:5 210:17 272:17 catch 54:8 77:14,16 115:1 243:14 catching 54:10 cause 12:5 86:6,16 132:14 166:1 195:25 199:21 200:21 201:17 250:25 caused 9:9,16 86:15,24 87:4 167:5 255:7 causes 11:22 causing 167:13 caution 50:22 180:6,15,19 182:1 CBP 99:9 cell 21:2 44:18 104:16 137:11,18 146:13 147:14,18	151:23 152:11,15 center 10:8 17:24 18:2,8,13 19:15,21 20:4,11,15,24 73:14 88:3,9 104:25 105:7 133:3 149:5 161:16,25 221:3 246:21 certain 8:13 32:19 174:12 245:13 246:4 251:2 271:14 275:13 certainly 212:21 254:25 certainty 261:20 Certificate 3:12 289:17 CERTIFICATION 289:1 Certified 6:2 certify 289:4 cetera 233:18 chain 71:25 72:2 73:6 120:19 121:2 122:3,9,20 126:22 132:2 chains 71:21,22,23,24,25 72:7,19,24 73:9,15,16,19,22 87:25 88:2,10,14 chair 150:13,14,15,19,20 151:11,13 chance 242:9 278:6 279:22 281:12 282:12 283:13 284:3,7 change 24:14 115:18 133:13 169:2 242:17 284:12 285:3,15 288:2 changed 130:23 242:5 244:8,11 280:2,9 changes 3:11 284:4
<hr/> C <hr/>		
Caballero 259:7 California 2:4 calisthenics 46:4 calm 56:16,20,21 57:1,2 calves 75:21 Campbell 107:19 cane 228:3,4,5 CAP 61:19 282:21,25 283:20 capable 7:20 capacity 72:14 car 106:11 110:16 170:3 card 41:23,25 42:9		

286:15 288:1	30:1	common 26:11,14 73:18 101:7 103:6
changing 244:18,22 279:21	client 252:3 277:3	communicate 92:7,9 93:18,19 94:22
character 256:13	close 22:3 147:6 185:7 193:8 195:1 203:10 206:8 229:15 254:18	communicating 56:4,8 218:12
characteristics 8:13	closed 192:17 205:14	communication 64:13,14 65:13
characterization 284:22	clothes 256:20	communications 39:23
characterized 238:9	clothing 256:15 257:20	community 31:8,20 32:8 38:4,19,24 39:15
check 134:21 165:6 263:18	clue 132:24	company 32:7 205:5 227:3 229:8 267:16
chest 56:6 77:22,24 225:18 239:17 260:13	coach 210:22 211:20 212:24 213:4,9	comparing 261:13
chief 42:25 43:2	coaching 157:5,7 212:12,23 213:6	compartment 108:7 162:21 163:7 179:25 247:9
choppy 268:21	college 31:8,20 32:8 38:5,13,19,24 39:1,15 144:21	complaint 41:17
chose 232:5	colleges 37:24	complaints 41:14
Christine 249:23,24	Color 3:21,22,23,24,25	complete 49:10 142:25 225:1 273:17
circle 252:16	combative 21:7 25:12 65:21,25 66:3,8,15 69:21 76:20 116:14 123:21 150:16 167:13 190:22 207:14 219:6 224:6,17,21 228:7,24 239:16	completely 72:5 76:18 118:19 119:3 176:5 200:24
circumstance 26:20 224:24,25 249:5	combination 216:12	comply 150:5 157:25 243:17 286:11
circumstances 13:17 14:5 223:22 251:13	combined 179:5	compound 217:8 244:6 261:3,11,15 262:12 271:4 275:19
city 3:19,20 227:20	comes 24:1 150:25 193:11 200:5	comprehensive 71:11
civil 1:16 29:1 34:21 35:1,7 103:14,24	comfortably 134:22 135:1	compressions 77:24
civilian 107:7	coming 101:6 113:14	concern 8:24 9:9,17 10:24 11:1,23 12:5 107:9 179:17 184:23 197:25 206:19,20 207:3,5 208:14,24 271:10,16,22 272:2,3 274:17,22 276:4,9,13 277:8,19,22 278:4 279:4,9
claim 25:23 26:10,16,24 103:14,24 283:14	Command 104:25 105:7 133:3 161:15,25	
claimed 178:9	commander 196:6	
clamps 165:20	commence 206:16	
clarify 270:8	commenting 281:20	
class 38:13		
classes 37:23 38:1		
clear 30:21 51:25 52:13 80:14 81:2,3 211:13 267:4 276:12 277:6		
clearly 16:10 17:5		

<p>concerned 9:3 11:2 54:19 60:14 190:19,20 197:10,21 205:16,24 206:15 208:15,18,19 274:16</p> <p>concerns 197:20 229:4,7 274:25 275:3 276:2 277:13</p> <p>concluded 287:10</p> <p>concludes 287:2</p> <p>conclusion 26:1,18 27:1,8,20 28:16 29:4,20 30:4 31:1 33:7,14 34:11 35:17 46:12 79:24 80:19 81:7,25 83:2 84:5 100:23 101:15 102:2 142:8,22 149:25 150:10 153:5,14 155:2,14 174:22 223:18</p> <p>confer 210:23 212:5</p> <p>conference 44:7</p> <p>confirm 38:25 181:13</p> <p>confused 266:24</p> <p>confusing 266:3</p> <p>confusion 267:21</p> <p>connection 212:22</p> <p>conscious 54:19</p> <p>consequence 33:11</p> <p>consequences 34:1,3</p> <p>consider 90:21</p> <p>considerably 37:19</p> <p>considered 31:4,14 32:2 89:11,22,25 107:6</p> <p>consisted 39:24</p> <p>consistent 167:16 226:7 227:22 272:18</p> <p>constantly 244:8</p> <p>constitute 273:11</p>	<p>constituted 269:18</p> <p>Constitution 28:13</p> <p>Constitutional 25:23 26:10,16,23 27:17 28:3,24 29:1,8,11 30:15 35:14</p> <p>contact 57:17 58:12,17 86:12,21 107:1 116:3 129:7 158:19</p> <p>contains 275:8</p> <p>contents 63:20</p> <p>continue 172:22 174:13 178:4 197:24</p> <p>continued 136:3</p> <p>continues 177:1,16</p> <p>continuous 268:20</p> <p>continuum 20:21,24 32:13,16,25 226:2,4</p> <p>contract 197:12,18,23 227:9,18 229:8,10</p> <p>control 46:25 69:14 70:1,7 76:21 77:5 97:14 98:1,8 101:13 111:11 118:11 125:5,9,15 133:5,11 142:5,11,16,18 143:2,5,8,11,13,15, 19,21,23 144:1,6,9,13,17,19, 21 145:1,20,25 146:7 153:17 169:8 175:2 191:2,6,12,13,15,16 ,18,22,23 194:1,5,8 208:2 219:6 223:13 224:6 225:21 271:17</p> <p>contusions 275:18</p> <p>conversation 147:14 180:18 182:6,19 188:8,13,22</p> <p>conversations 187:24</p>	<p>232:13</p> <p>cool 11:18</p> <p>cooperate 56:16,21 192:5</p> <p>cooperating 59:18</p> <p>cooperative 130:19</p> <p>copy 3:21,22,23,24,25 61:9 256:25</p> <p>corner 222:22</p> <p>correct 7:15 10:3,21,22 11:6 13:2,15,25 14:13 16:20 17:2,18 18:19,24 19:5,22 20:8,12,19 23:20,21 24:7,8,18,19 26:16,22 28:1,10 34:9 35:25 36:10,11 37:20 38:5 40:1,17,18 42:15 43:7,17,18 45:18 47:10,12,24 48:10,12,15,18,19,2 1,22,25 49:4,7,8,10 50:17 52:4,19,25 53:1,18,19 54:25 55:1,8,11 57:3,16 59:6,19,25 60:2,3 61:8,23,24 62:6,17,18 63:19,23 64:1 65:9 66:1,21 68:21 69:24 70:2,7 71:13 73:1 76:10 78:8,24,25 79:8,10,11,13 82:4,9,10,15,18,22 87:25 88:1,10,19 90:11 91:7 93:22 95:6,9 97:20 98:22 100:19,20 102:21 103:12,14,20,24 104:7 105:23 106:1,2 108:12 110:2 111:5,17 112:6,9,23,24</p>
---	---	--

113:1,5 114:9	232:3,7 233:4,11	19:14,21
117:5,17 119:23	234:2 235:12 236:22	20:4,11,15,23 22:7
120:17 121:9,25	237:10,11,13	46:18 72:25
122:17,25 123:16,25	238:8,13	73:7,14,24
124:7,8,11,12,16	239:13,14,19,20,23	105:14,16 107:18
125:18,19 127:20,24	240:2,8,19,20,22,25	113:11 115:7 116:4
129:12,25 130:13	241:3,4,7,8,10,11,1	119:17 136:19
131:10,11,25	7,20 242:15 244:5	138:16 148:3,4
133:2,19,20	246:3 247:2,3,15,16	151:10 161:25 162:2
135:12,16,17,19,20	248:19 249:19	175:16 176:10
136:7,11 137:6	250:18,22,23	177:2,4,18,19
138:17,24,25	251:8,16,17,19,20,2	180:11 187:9 204:22
139:4,20,23 140:19	4 252:14,15,21	205:2 221:2 229:3
143:12 144:2,8	253:11,12,19	236:12,15 237:2
145:8,11 146:3	254:5,14,17	244:9 264:22 270:15
147:8 151:8,9,11	260:15,16,20,22	271:5 280:15
152:16 153:22 154:3	263:2,6,22,23	couple 9:23 78:21
156:11 157:22 158:5	264:4,8,9,15,18	79:13,14 108:4
160:4,18,19,25	265:5,22	222:3 246:19 255:18
162:25 163:1	266:10,11,23	275:22
164:13,20 167:17,18	267:22,23,25	course 12:12 36:17
169:2,5,14	268:10,11 269:25	50:9 91:25 247:8
170:8,24,25	270:6 275:14,15	250:12,15
171:5,20	276:4,10,14	court 1:1 3:12 5:7
172:11,12,15	277:10,16,17,21,23,	6:2,11 13:11 26:7
173:9,15 174:5	24	31:13,18 32:1 51:6
175:12 176:7,15	278:7,12,16,17,21,2	52:12 102:8 134:12
177:7,24	2	137:21,25 138:3
179:7,16,23	279:1,5,6,10,15,23	156:3 157:17 171:14
180:4,19,24 181:21	280:1,4,5,8	177:15 203:5 206:14
182:15,16 183:20	281:8,9,14,17,18,25	210:23 213:13 277:5
184:18,21 185:6	282:3,10,11	courtesy 211:9
186:10 187:11 188:9	283:5,9,11,25	courts 28:19
189:16,17 191:8,14	284:1,14,17,25	covered 277:15
193:7,12,13,15,16	285:8,11,12,15	covering 68:21,22
194:24,25 196:21,24	286:14,19 288:17	CPR 218:4,6,7,18
197:8,9,14 198:19	correction 284:12	254:21
199:13,16	corrections 284:4	cramp 134:2
200:11,15,23	correctly 38:14	create 12:25 13:13
201:9,23 202:21	39:20 56:11 60:12	29:18 33:4 171:10
203:8 205:20 207:24	166:2,3 263:3	created 174:24,25
209:1,2 213:18,25	counsel 5:6 50:24	crevice 166:14
214:1 215:9	277:3 278:10 281:8	Crime 257:11
218:20,24 220:7,12	count 175:20	
221:25 222:2,11,24	country 226:18	
224:2 225:3,4,9,24	county 17:23 18:1	
226:8,9,12,16		
227:11,12,15		
229:10,11 230:25		

Crimes 283:1		171:4,18 172:13
criminal 263:20	<hr/> D <hr/>	173:17 174:3,17
crossed 90:19 225:10	daily 230:5	175:7 178:21
crossing 117:12	danger 48:6 190:18	179:5,12 180:3,7,14
cross-reference	dangerous 12:25	181:15 182:22 184:4
259:6	13:14 19:5 69:21	185:10,17 186:8,16
cross-referenced	98:21 99:12	187:6 188:14 189:9
257:3	Daniel 1:6 7:25	190:6,13,16 191:5
crotch 80:10 84:25	10:12,19 24:20,25	192:1,10 193:12
85:22 214:21 215:1	47:3,12,18 49:11,15	195:2 197:11,21
cruel 101:12,18,24	50:12,18,20 51:7,9	199:17,20
102:10 132:4	53:14 54:1,24 55:2	200:5,6,20 201:21
crying 78:18	56:21 59:5,14,18	202:10 205:19,25
crystal 211:13	60:2,5 65:25	206:16 207:6,13,19
CSR 1:25	66:2,7,15,19	208:9,25
cues 43:20	67:1,17 68:16	214:3,4,6,11,14,21
cuff 132:2,14 133:8	74:7,12 78:7,14,20	215:3 216:18,22
135:1	79:10,12,20 80:15	219:10,12 222:11,23
cuffed 131:16,18	81:4,23 82:25	223:1,8,14
132:25 133:4,21	84:23,24 86:7,25	225:12,20 226:24
134:13 198:2,9,18	90:12,21	232:8,17 237:16
199:4,11,12 240:15	100:11,13,18 101:1	238:6,22 241:1
cuffs 89:4,16	104:20 105:25	242:23
131:18,23	108:18 109:4,12,15	243:2,7,14,17
132:1,3,10	111:18,22 112:14	244:3,25 245:8
133:14,16,17	113:4,11 114:7	246:20,25 247:4,19
134:18,23 166:23	121:13,18 122:8	249:17 250:17 251:6
167:20 168:19 199:6	123:18 124:10	252:23 253:14
curb 77:11	125:21	254:4,13,16 255:16
curious 220:22	126:7,13,23,24	256:16 257:21
current 41:19	127:6,24 128:8	271:1,11,17,24
custody 70:19 90:13	129:13,17 130:12	274:23 275:9,13
101:19,25 102:11,21	131:15,24 132:19,23	276:10,13 277:9,16
103:2 125:6	133:8,16 134:18	Daniel's 68:20 69:2
142:6,12,24,25	135:1,4,19	122:8 123:4,14
150:5 154:20,24	136:8,14,20,24	130:2 131:13 166:1
155:7 169:8 253:18	137:4,10,23	170:11,17,24 186:20
Customs 41:21 145:15	138:6,11,13	189:25 200:11 220:4
146:2,8	139:1,3,10,17	244:12 246:6 247:20
cut 246:7 265:14	140:1,6	248:2,17 253:4,8
cuts 132:17	141:12,21,24	255:1
	142:2,17 143:2	Darnell 2:14,15
	146:11,16 147:4	3:5,7 5:13,19,20
	148:11,18 151:19,22	9:12,18 11:9 13:5
	152:10 153:25	14:3 15:12 16:23
	158:2,11	17:8 19:1,11 25:5
	159:4,10,17,21	26:2 27:2,10,21
	164:18 169:7 170:16	28:17 29:5,21 30:5

33:8,17 35:9,18 36:14 38:11 39:7 64:4 69:5 72:8 78:12 79:1,3,25 80:21 81:9 83:4 84:2,15 85:1,4,8,14,18 86:10,18 87:1,5 88:11 94:19 97:23 98:5 100:24 101:4 102:3,25 107:13 110:12 116:24 117:8,18 118:8 119:9 120:6 124:20 126:12,18 128:2 133:9 140:9 142:9,21 149:9 150:1,11 152:21 153:6,15 155:1,15 157:1 159:7,12 164:23 167:8 171:8 172:16 173:3,23 174:9 176:18 177:8 179:9 186:11 188:5,10,17,25 189:1,4,12 193:17 195:7 197:2,15 198:6,22 199:18 201:4 202:1,24 203:14,22,25 204:4,15,24 206:4,22 207:1,23 209:3,15,20 210:1,5,10,13,18,25 211:4,7,11 212:9,20,24 213:4,8 214:7,19,22 215:5 217:3,10 219:18,24 220:1 223:19 226:19,23 227:4,19,24 228:9 229:12 230:10 232:23 236:17 238:14,18 240:23 241:12 242:17 244:7 245:20 246:11 248:20 250:5,9 251:11 253:22 255:13 256:11	257:25 258:12,18,23 259:3,8,12,17 260:10 261:6,8,12,23 262:6,16,18 265:2,9,25 266:12 267:8,12,16 268:3,13,16 269:7 277:25 279:24 281:19 282:17 284:18,21 286:21,24 date 5:1 40:13 60:24 83:16 88:9 250:14 267:5 dates 60:22 266:3 day 20:2 38:7,12 51:20 53:4,9,11 60:13 63:7 64:20 100:5 104:5,10,18 139:25 160:17 161:21 179:14 185:11 220:4 247:25 256:16 257:21 261:19 262:9 264:12,25 286:10 288:21 days 5:14 62:17 63:2,8 64:9 180:24 268:6,10 deadly 48:2 49:11,15,21 50:2,16 51:16 52:3,18 79:21 80:16 81:4,22 82:8,20,25 219:7 deadweight 130:20 deal 21:7 196:12 230:5 dealing 32:21 228:7,23 230:2,12 dealt 276:3,9 Deceased 1:6 decide 27:23,24 28:19,21 101:21 159:10 decided 200:13	201:23 decides 193:11 200:6 decision 156:18 decorum 211:15 deem 211:17 de-escalate 19:9 de-escalation 18:22 20:16 32:19 Def 3:19,20 Defendant 2:13 Defendants 1:11 2:9 5:17 defense 277:2 Define 208:18 delay 5:22,23 demanded 106:20 demonstrate 21:11 38:18 demonstrated 81:22 129:24 demonstration 22:5 Demonstrations 22:10 department 3:15,18 19:15,16,25 20:6 41:6,9 42:13,18,22 46:14,18 61:20 93:17,20 94:6 106:6 125:6 144:25 145:9 155:25 197:12 203:12,19 204:6,18,20 215:22 221:6 227:3 257:11 departments 226:17 department's 155:7 depend 15:2 26:19 27:3 84:6 167:10 245:4 depending 226:5 depends 12:15 14:4 16:14 17:10
--	---	--

27:11,13,15 43:10 44:12 114:24 167:11 198:15,23 223:20,21 224:24 245:4,13 depicted 249:9 depicts 257:8 deposition 1:14 5:3 6:6,9 61:15 211:15 252:5 281:17 287:3,10 288:16 289:4,6,7,10 describe 23:14 129:18 150:19 describing 22:19 description 3:14 222:16 detail 53:12,24 details 261:19 detained 45:7 83:13 Detainee 108:21,23 113:14 detainees 32:21 128:18 144:16 270:19 detection 19:21 144:11 detective 61:19 118:22 164:2 178:19 236:20,21 242:2,15 285:1 detectives 176:22 detention 17:23 18:1,8,13 19:14 20:4,11,15,24 73:11,14 122:3 123:22 124:9 125:20 141:7 149:5 221:3 229:3 234:4,9,15 determine 275:17 determined 42:14 239:24 device 150:7,12	devices 69:25 DHS 19:16 41:4,5 difference 147:22 260:1 280:14 differences 13:21 259:21 260:17 different 13:17 23:8 24:13 27:12 28:2 37:23 43:25 69:25 73:24 80:24,25 81:1 86:23 130:23 131:19,22 139:24 143:22 163:5 175:6 176:14,23 198:23 212:1 216:6 223:22 224:22,23 235:11 259:22 260:19 278:14 281:6 differently 213:22 difficult 75:5,9 185:18 186:1,4 216:1 difficulties 149:13 150:8 228:1 direct 179:25 254:23 272:9 directed 154:18 directive 156:14 directives 154:21 286:11 directly 93:16 179:24 180:9 186:5 247:10 dirty 256:20 disabilities 149:19,22,23 150:6 disability 148:25 discipline 286:12 disciplined 285:20 discussed 269:3 discussing 266:9	discussion 14:6 87:23 180:13 279:20 discussions 278:19 disengage 77:8 80:5 disengaged 222:20 disheveled 256:21 disoriented 77:21 dispatch 95:3 147:1,11 158:21,24,25 269:17 270:24 display 43:25 distance 113:24 245:1,10,18 246:4,12,13 distinction 84:10 distinguish 216:8 275:20 distinguishing 220:21 DISTRICT 1:1,2 Division 1:3 286:8 dock 222:7,9,10 document 124:6 273:12 285:23,24 286:4 documents 61:14 62:7 Dona 17:23 19:20 20:4,11,15,23 22:7 46:18 69:17 73:14 221:2 229:3 D-O-N-A 18:1 done 101:9 127:12 138:23 207:18 209:7 213:21 243:21 248:25 258:11 259:10 269:1 286:20,21 door 108:13 109:9 110:16 111:21,25 112:12,19,21
---	--	---

115:5,24,25 116:2,8,11,12,17,22 117:12,15 118:15 119:17,20,21,22 120:1,20 121:12,15 122:15 123:14,19 126:14,21,25 146:14 172:10,23 173:10,13,17 174:2,14,15,17,18,1 9 175:4,22 176:10 177:2,4,18,20 178:5 182:22,23 183:14 202:16 205:14 208:2 235:16 249:18 door/fence 234:6 doorjamb 170:24 171:5,20 174:5 186:17 doors 44:8 108:7 120:16,19 128:14 175:17 178:15 235:14,22 doors/fence 234:21 double 109:6 133:21 134:1,13 165:7,9,13,25 166:5,10,21,22 167:16 190:12 198:1,9,18 199:4,11 205:14 downhill 111:16 downstairs 131:7,8 141:3,5 147:16,18,20 148:17 158:9 drag 24:20 119:16,18 120:10,12,13 126:7,10,13,20 132:9 152:5,7 175:11 202:11,15,20 203:7 234:5,16,20 235:15,21 236:2,7 237:20 238:1 dragged 130:13 175:7 176:9 177:2,6,17,23	178:13,17 188:22 202:10 205:13 237:16 dragging 7:24 120:1 128:20,22 131:24 132:14 176:13,23 178:5,10 205:19 235:17 244:2,25 251:22 drawing 243:10 dress 104:14 dried 252:18 253:5 drinking 115:11 drive 105:14 driveway 146:14 159:21 222:15,18 232:16 264:19,22 driving 106:5 270:18 drop 116:15 117:25 118:19 119:3 176:5 dropped 112:19 116:15 117:2,9 118:4,5,17,24,25 119:15 126:15,23,24 129:2 172:14,20 173:6,17,24 174:11 176:3 234:7,21 dropping 116:19 117:4 140:3 drops 172:25 Drugs 6:24 dry 275:18 duffel 256:19 during 38:8 40:11 65:20 66:12 67:5 72:18 80:13 111:6 135:21 138:10 142:3 144:24 145:24 158:13 161:8,24 162:13,15 177:25 178:2 182:13 211:15 215:20,21 218:17 247:8 250:12,14	264:9 268:23 270:12 279:23 280:19 281:17 duties 109:22 153:11 duty 104:2 153:16 270:23 <hr/> E <hr/> earlier 76:12 129:24 178:9 220:4 233:1 238:20 259:22 269:15,23 271:9 275:8 easier 44:6,17 198:2,8,10,18 199:5,10 easily 74:17 90:10 91:11 167:20 168:19 East 2:11 effect 170:13 219:14 243:18 effective 219:11 eight 38:14,15 105:2 123:12 Eighth 28:14 35:15 either 10:17 25:18 28:13 35:21 48:4 51:15 80:9 89:23 94:2 97:14 119:15 129:21 130:8 148:22 166:15 172:9 174:18 190:22 192:10 204:12 225:19 228:24 230:22 236:11 237:1,9 270:13 274:13 El 1:3,18 2:7,12,16 3:15,18 19:15,25 20:5,9 40:10,12,16,19,22 42:13,18 43:2 46:17 61:2,19 62:5,11 72:6,12 73:24 93:16,20 94:5 106:6,11,15 118:21
---	--	--

125:6 142:12 144:25 145:4,9 151:10 154:19 155:25 197:12 203:12,19 204:6,18,19 215:22 221:5,20 257:11 269:16 270:24 elbow 23:18 129:21 electricity 219:23 221:12 elevate 163:8 elevated 179:6,13 elevator 125:24,25 127:2,4,5,9,16 128:8,14 146:12,13 158:10 235:1,6,7,8,14,16,2 2 237:17,21 elevators 123:6,11 126:8,14,21 152:6 158:9 234:6,16,21 238:2 else 47:12 61:25 75:8 161:21,22,23 197:5 227:3 243:18 247:5 268:12 else's 48:5 elsewhere 215:18 E-Mail 2:5,8,12,16 e-mailed 257:16 emergency 148:7 155:17,23 156:5,9,10,15 254:17 269:17 270:14,25 emotion 44:1 emphasize 229:6 employed 289:9,11 employee 289:11 employees 203:11,18 employer 34:8 35:14 employment 250:12	EMS 78:3 148:21 272:5 en 97:16 169:19 enable 165:2 encourage 192:4 encouragement 192:5 enforcement 11:21 12:6 16:17 17:14,21 18:19 19:4 20:10 28:1 33:19 36:9 41:18 42:12 69:1,8 82:13,17 91:22 94:10 95:17 97:7 98:20 143:17 144:1 145:5,14 153:20 154:5 155:19 156:16,20 157:19 158:1 engage 14:18 16:3 48:2 274:14 engaged 15:22 30:23 33:12 80:4 243:4 engagement 84:7 engaging 50:20 51:9 226:11 ensues 193:14 200:6 enter 108:14 113:4 122:15 172:11 entered 104:1 135:14 136:13 138:11 141:22,25 146:12 251:21 252:24 253:4,14 entering 120:21 121:4 246:25 253:18 entire 20:3,9,12 25:1 38:5 65:23 66:8,15,17 135:13 140:18 180:2 227:20 entirely 7:3 223:6 245:3 251:2 entity 34:7,19 35:22 entrance 10:13 110:8	177:4,20 equipment 56:4 68:2 122:6 125:4 136:5 208:3 escalation 18:22 32:18 escape 46:21 47:4,19 90:9 196:9 229:24 230:7,23 escaping 90:9 escort 21:7 24:15,25 25:10,17,22 26:8 87:21 108:8 111:8,13 144:4,16 145:21 146:9 172:22 173:10,18 174:4,13 228:12 escorted 123:1,2 173:8 escorting 24:13 25:19 43:19 44:19 106:9 108:20,21 132:8 155:18 162:1 172:25 180:3 219:10 escorts 21:2,5 especially 83:19 100:18 101:9 211:20 essentially 226:12 established 203:1 ESTATE 1:6 estimate 105:9 140:15,16 203:24 204:11 205:9 et 5:4,5 233:18 event 7:9 53:12 64:20,22 94:16 112:2,4 163:25 165:21 181:3 events 9:4,8,15 10:1 53:11,25 63:16 79:19 112:7 213:25 216:4,10 217:21 222:6 238:6 240:6
--	---	--

SHARON CARDON & COMPANY COURT REPORTERS
109 North Oregon, Suite 700, El Paso, Texas (915) 545-1410

57:5,15 68:20 71:14 83:5 140:1 190:21 208:15 229:7 234:19 236:19 239:11 265:20 266:6 272:4 facts 9:13 47:14 51:14 164:1 169:10 193:18 199:19 201:25 202:22 206:23 217:4 255:3,9 266:1 268:2 faded 261:18 failed 285:19 failure 167:16 269:16 286:10 fair 249:15 255:24 fairly 73:18 fall 46:9 54:14,20 59:12 77:14,16 117:25 127:17,23 193:15 200:7 falling 57:7 59:6 127:20 familiar 132:13 269:12 familiarization 269:14 family 14:17 fashion 26:23 fast 46:23 188:25 196:17 208:13 fear 60:4,8,19 90:12 feasible 157:24 February 18:5,11 40:14,24,25 42:15 Federal 1:16 feel 60:4 68:16 179:12 190:18 191:5 192:14 193:6 199:21 205:13 220:14 221:14,23 223:7 243:4 279:16	280:1,12 feeling 193:21,23 194:15,21,22 213:24 272:2 feelings 195:3 feels 221:10,12 feet 77:11 121:16,24 135:19 150:21 244:24 245:1,7,16,17,18 fell 77:15 118:5,17 119:1,17 172:14 176:3 239:18 felt 64:15 77:8 90:17 102:20 112:18 130:20 176:19 179:4 190:19 193:1 202:14 209:14,24 213:17,19,22 221:15 223:4,5 225:15,17 239:17 260:12,13 269:22 279:14 female 94:2 fence 120:19 121:2 122:3,9,20,24 123:1,10,18,20 126:14,22,25 fight 230:7 fighting 59:23 74:12 87:18 139:13 209:10 figures 245:24 finally 146:7 162:17 financially 289:12 fine 40:1 97:2 115:16 144:20 157:12 189:7 259:3 285:23 finger 129:10 fingers 65:3 132:16 215:3 225:13 finish 15:14,16 81:20 85:6,16 127:13 137:13	211:6,8 Finnegan 1:25 289:16 fire 86:6 firearms 145:18 fired 18:11,15 78:1 99:6 197:13,19 fireman's 131:4,5,9 Firm 289:18 first 23:9,14 46:15 60:18 103:16 104:20 116:18 123:7,8,15 128:18 138:11 147:3 149:13 154:4 161:12,14,19 163:4 185:22,23 216:3,15 221:1,2,7,8 231:21 249:24 250:10 257:20 260:2 275:25 279:4,14 282:19 283:7 fitness 179:5,13 181:15 five 62:22 63:1 85:4,9 111:2,4,6 113:21 115:2,5,6 121:16,24 123:12 140:14,16,23 175:21 245:7 281:15 five-eight 45:21 five-seven 45:21 flailing 112:18,25 flee 43:6,11,13,21 44:18,19 47:9,19 fleeing 87:18 flexibility 133:25 flight 45:1 flipped 77:21 floor 2:7 152:4 174:11 Flores 1:10 2:13 3:15 5:20 8:5,8,16 9:4,10,17,22,25
--	--	--

10:5,7,11,15,20,23 11:10 25:12 49:11,15,17,21 50:3,13,18 51:7 52:3,17,24 56:3,8,11,14,20 58:4,5 59:4,15,19 60:2,6 61:7 64:13,23 65:4,6,11,14 66:3,5,19,22,25 67:4,10,13,16,23 68:11,15 74:7 77:8,19,24 80:4,8,11,25 83:9 84:23,24 86:1,6,12,15,21,25 87:4,7 90:18 99:5 107:20,24 108:3,20 109:4,8,12,16 110:7 114:6,7 115:25 116:7 118:6,16,18 119:2 122:5 123:21 124:10,14 125:3 126:7,13 128:10 131:12 133:13 134:25 139:2 140:18,25 141:15,18,21,23 142:6 146:17 147:3,11,14,19 148:10,16 151:18 158:20 159:3,15,16 161:17 170:10 171:2,3,9,16,18 172:2,11 174:3,4,19 175:1,22 176:4 178:20 180:17 182:6,19 183:22 187:19,24 188:14,15,19,23 189:8,15,24 193:11 194:3 197:5 200:5,19,22 202:3,6 205:14,24 206:15 207:13 208:3,13 214:3,4,10,14,20,23 ,24 215:2 216:19,22 217:1,16,24	218:6,16 222:7,19,23 223:8,23 225:3 232:14,21 233:17 234:5,20 235:15,21 236:11,15 237:1,8 238:21 239:8 241:6,9 243:5,8,10,13,16 244:4,25 245:7,8,17 246:5,13 250:21 251:7 252:24 253:18 257:3 258:21 259:1,4,6 fly 13:25 FMS 272:5 focus 30:20 53:13 206:8 252:9 focusing 30:21 folks 99:20 force 18:23 19:3,9,17,18 20:16,20,24,25 29:15,18 30:2,24 31:4,15 32:3,12,13,15,24 33:4,12,21 34:9,20 35:2 46:20 48:2,18 49:2,6,11,15,21 50:2,16 51:16 52:3,18 79:21 80:16 81:5,22 82:9,21,25 102:21 103:2,10,17,24 116:17 174:20 219:7 223:13 225:20 226:2,4,5,7,13,14 foregoing 288:15 289:3,6 forehead 54:12 121:11,13 152:14 foresee 230:4 forever 262:1 forget 189:5 217:12	forgot 15:17 249:22 form 8:1 9:12 25:24 26:17 172:16 177:8 fort@scotthulse.com 2:12 forth 112:17 113:2 117:10,11 173:12 175:4 259:21 forwarded 39:1 foundation 11:25 16:12,22 17:7 25:25 27:8 28:6 29:4 33:23 35:17 50:6 69:4 106:17 167:7 203:15 204:24 206:22 219:24 230:1,9 238:19 250:9 257:24 271:2 Fourteenth 28:14 35:15 fourth 28:14 35:15 170:2 240:13 frame 53:13 111:25 112:21 116:17 117:15 119:21 123:14 126:21 138:11 162:13,14 163:14 173:13 174:15,18,19 175:4 201:3 268:20 269:1 framed 119:7,11 269:1 Francisco 2:10 5:17 262:18 free 45:12 212:16 freely 51:1 frequently 16:3 73:23 friends 14:17 front 51:13 70:20 71:5,16 88:22 89:3,7,17,23 112:17 124:18 130:4 135:6
---	---	---

136:15,16,21,25 137:5 138:8,14 164:19 165:3 167:21 168:20 198:3,11 199:3,6,11 209:22 210:17 212:14 213:2,7,14 240:10 244:4 247:2 285:10 full 121:8 123:5,16 248:5 fully 74:18 fuse 11:19 12:4 13:22,23,24 <hr/> <div style="text-align: center;">G</div> <hr/> G4 183:14 G4S 1:9 2:9 5:4,17 18:17 20:13 30:15,19,20,23 31:3,13 32:1,11,23 34:13 36:4,6 38:4,17,20,23 39:2,5,10,13,16,24 40:3 42:12,20 46:18,20 48:1 69:19 71:12 72:14,21 91:17 93:11,15,16,21 95:5,12,20 100:3 103:19,23 106:12 107:10 144:12,20 154:14 155:12 156:6,8,20 157:18 197:12 205:4,8 209:1 227:3,7,9,14 228:7,11,23 229:16 230:24 231:7,11,15 250:12 269:13,19,23 270:13,21 271:17 280:3,13,23 Gage 2:3 3:4,6,9 5:9,10,15,21 6:5 8:2,10 9:8,15,21 11:12 12:3,13 13:7,20 14:7,13,24 15:4,14 16:1,8,16,25 17:13	19:2,8,13 21:22,25 22:8,13 23:5,7 24:10,12,24 25:7,13,14 26:3,13,21 27:5,13,25 28:8,21 29:7,23 30:7,11 31:3,9,11,21 32:6 33:3,10,16,19,25 34:13,25 35:6,11,21 36:20 37:23 38:12 39:3,4,12 43:12 44:3,16,23 45:6 47:15,21 50:1,9 51:2,4,14,24 52:9,21 53:19,21 57:11,12 58:19,23 59:14 61:7 64:7 66:14 67:20 68:20 69:6 70:6,12,25 72:11,23 74:1,4,22 75:14 76:1,6,13 78:13 79:5,6 80:2 81:2,10,20 82:3,16 83:8,17,22,24 84:8 85:3,6,11,16,20 86:14,19 87:3,9,16,24 88:8,14 89:12 90:2,15 91:13 92:3,20 93:3,11 94:17 95:9,12,21 96:16 97:2,9 98:2,12,16,24 99:2,13 100:1,4,25 101:5,17,23 102:6,13 103:1 107:15 109:20 110:15 113:9 115:2,8,12,17,24 116:21 117:4,16,23 118:13 119:7,11,16 120:9 124:3,23 126:13,19 127:13 128:7 130:7 132:7 133:13 134:9,17 136:2 137:19,24 138:2,10 139:22 140:12 142:10,15,16	143:1,6,12,16 144:6,17 145:4 146:3 149:11,18 150:4,14 151:17,18 152:22 153:10,19,24 154:2,4 155:5,22 156:1,8,19 157:4,8,12,15,25 159:9,16 160:5,11,14 161:5,6 164:3,4,10,24 167:15 168:2 169:12 171:11,22,24 172:3,19 173:8,22 174:2,8,16 176:23 177:12 178:1 179:11 184:10,12,24 185:1 186:14,16 188:3,7,12,21 189:3,7,8,15 193:19 195:8,17 197:3,21 198:8,17,24 199:20 200:4 201:5,6 202:2 203:2,4,10,17,24 204:2,7,21 205:3 206:6,13,20 207:2 208:5 209:6,18,22 210:3,8,12,16,20 211:2,6,8,12 212:18,21 213:1,6,11,18 214:10,20 215:2,6 217:7,12,14 219:21 220:3 223:7 224:1,14 225:1 226:21,24 227:7,21,25 228:10 229:14 230:6,13 232:25 233:9,13 236:19 238:20 241:1,13 242:21,23 243:20 244:2,11,20 245:15,23 246:15 248:16,25 249:15 250:7,10 251:12 252:2,6 253:25 254:3 255:6,14,20,24 256:10,14,15
--	--	--

<p>257:1,3,14,19 258:1,11,15,21,25 259:4,10,14,20 260:7 261:3,11,15,16 262:2,10,17,20,23 265:5,8,12 266:5,15 267:3,7,10,14,18,20 268:6,12 269:8 270:2 271:2,20,25 272:17 273:7,19 275:1,19,22,24 276:15,17,24 277:12 278:3 279:25 280:16,17 281:22 282:18,19 284:20,23 285:25 286:20,25 287:5</p> <p>Gage's 260:23 261:13</p> <p>gain 125:5,9,15 175:2 194:8 208:1 221:9</p> <p>gained 194:4</p> <p>gaining 224:6</p> <p>Gary 250:1</p> <p>gauge 249:14</p> <p>gee 42:19 68:11 209:23 213:15 225:5</p> <p>general 14:16 22:13 149:23</p> <p>generally 269:12</p> <p>George 183:13</p> <p>gets 11:19 207:4 208:13</p> <p>getting 30:18 76:21 84:18 142:13 148:12 162:3,4,22 193:25 266:24 276:3,9 277:19 278:4</p> <p>given 29:23 36:9 98:2 134:4 245:24 251:13 260:21 282:13 284:11 289:7</p> <p>giving 7:2 37:1</p>	<p>154:21 261:20 263:16</p> <p>glove 225:13 259:7</p> <p>Goldberg 2:3 5:9</p> <p>gone 67:22 125:14 133:6 143:25 188:15</p> <p>gotten 207:6,19 208:1</p> <p>grab 118:6 245:16</p> <p>grabbed 83:10 118:18 119:2 125:11 176:4 214:21,25</p> <p>grabbing 214:15</p> <p>graduated 40:21</p> <p>graduation 40:13</p> <p>grand 60:9,10 61:9</p> <p>grapplings 46:21</p> <p>great 116:16</p> <p>greater 179:6,19 180:6,14,18 181:16 182:1,7,15,19 256:13</p> <p>grip 194:19</p> <p>groaning 187:18</p> <p>ground 64:24,25 76:23 77:2 117:25 118:5,17,19 119:1,3 125:13 126:15,25 129:16 131:16 145:19 172:14,21 173:18,25 174:3 176:3,6 180:11 189:10 193:10,15,19 194:2,14 196:11,13 200:7,11,12,21 209:10 225:21 232:16 234:7,22 251:3</p> <p>group 133:7</p> <p>grunting 123:22,23 124:6 187:17</p> <p>guard 32:9</p>	<p>37:13,16,18,25 73:8,9</p> <p>guards 107:8</p> <p>guess 77:16 90:8 111:2 123:22 126:4,6 134:1 196:5 225:11</p> <p>gun 80:9 86:1 96:20 99:8 120:12,14,15,18 121:14,15 122:1,5 135:15,22 146:20 158:16 159:4,11 178:13 216:19,22,24 217:2,6,16,24 218:17 222:8,19 233:18 243:11,14,17</p> <p>gunmen 96:23</p> <p>guns 121:19 124:11 125:1,22 188:16 232:21 233:18</p> <p>gunshot 77:22 78:6 225:2 240:10</p> <p>gurneys 149:12</p> <p>guy 67:11,14 201:16 274:10</p> <p>guys 96:18 114:13,15 196:9 199:24 251:21 259:11 267:18 269:3</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>half 63:13 85:15</p> <p>hand 21:18 24:3 65:1,7 166:1 194:4 200:13,22 201:7,18,23 202:4,7 239:12</p> <p>handcuff 71:18,19 72:2 89:1 133:22 134:15,18 165:18 167:5,11</p> <p>handcuffed 22:25 23:1,3 100:18 101:2,9 132:21,23</p>
---	--	---

134:1,22 135:1,5,23 136:4,9 138:14 142:17 166:21 handcuffing 21:2 handcuffs 71:5,17 72:3 83:12 88:16,21 89:3,5,6,17 101:13 132:19 133:22 134:3,14 136:14,21 150:24 164:14,17,25 165:3,5,6,9,13,14,2 0,23,24 166:5,10 167:14,17 198:9,19 244:12 245:2,17,19 246:8,14 handle 13:25 26:22 27:16 28:12,25 handling 13:1,15 handouts 36:25 37:2,3 hands 22:25 23:6,12,25 54:6 55:21,23 57:7,19 58:8 59:11 77:13 89:24 128:7,10 131:16 158:20 198:3,11 199:3,5,11 238:21 239:4 240:14 happen 33:20 42:5,6 117:17 135:10 212:8 223:5 234:14 236:3 happened 14:16 20:21 36:17 41:1,20 42:3 52:1,5,6,15,23 53:3,6,9,25 55:5 56:2 76:24 77:10,18 116:10 117:23 122:21 128:14,25 139:25 140:21,22,23 147:7,10 158:13 159:8 215:19 218:11 240:3 247:25 261:16 266:21 happens 27:23 264:2 happy 200:4 276:19	hard 54:10 112:21 225:17 harm 195:11,25 196:8,23 haul 111:14 haven't 11:13 having 54:10 59:12 60:15 69:1 70:15 74:15 90:6,8 91:2,23 92:6,21 93:12 111:9,11,12 142:24 150:17 162:22 164:17,25 165:16 180:6 191:16 193:25 202:15 217:21 219:7 273:24 head 44:13 50:13 56:25 64:25 65:1,2,8 77:2,3,23 111:22,25 112:15,16,20,25 116:3,16,22 117:5,10,13,14 119:6,20 120:21,22 121:5,18 122:8,16 123:14 126:21 128:4,6 129:8 140:3,8 152:10 170:11,12,17,19,21, 24 171:3,4,17,19 172:24 173:1,9,13,19 174:4,14,19 175:3 177:5,7,21,24 180:10,12 182:22,23 183:13,18 186:17 190:6,14 194:2,4,16 196:10 199:22 200:11,14,20 201:15,22 202:4,7 238:21,22,24,25 239:1,3,4,5,12 241:2 243:3 246:25 247:2,9 248:1 249:16,17 254:21 265:14 272:15 274:2 health 96:11,15	148:1 hear 78:16 79:9,12,16,17 137:20 141:7,15,23 146:10,15,18,21 157:4 187:19,24 188:9 189:24 210:3,4,6 240:17 242:22,24 243:8,16 heard 11:12 77:14 79:20 98:18 135:9 147:2,10 148:10 149:3,18 225:2 hearsay 188:5 189:12 214:7,19,22 217:3 220:2 241:12 272:18 273:11,22 heavily 54:11 76:21 78:15,20 79:7,9 heavy 194:6 240:16 heightened 179:17,20 186:7 held 77:23 109:9 112:20 122:4,9 127:16 help 43:20 45:17 62:7 69:22 87:17 88:20 94:12,13 95:16,25 96:7,11,14,22 97:6,12 98:3,13,19 99:14,18,23 142:13 149:12,22 150:5 155:12 159:5 181:12 219:5 223:13 224:15 249:1,3,6,10 258:24 262:15 helped 93:1 97:15 98:20 224:13 262:7 helping 74:12 hereby 288:16 289:4 herein 288:17 here's 277:1
---	---	---

hereto 289:12	holding 116:12 127:19,22 128:17,19,24 129:1,13,17 139:1,2,5 140:2,6 141:23,25 146:13 147:13,18 151:23 152:5,11,14 192:20 236:2,7 237:16,17,21 238:1 244:12 248:3 254:21	201:22
he's 22:5 27:22 30:8 51:21,22 54:3,19 65:19 100:2 115:1 127:11 147:25 148:1 188:4 194:14 201:17 209:16 242:2 274:13,20 276:21		hypothetical 44:4 96:16 248:21 262:11 271:4
Hey 56:15		<hr/> <div>I</div> <hr/>
hill 114:6		IA 215:21 263:3 264:6,8 268:23,24 284:8,9,18
Hills 2:4 10:9 91:19,20 104:13,23,24 105:7,11,14 136:19,23 137:17 161:24 167:20 168:19 179:11,15,21 185:9,18,20,24 186:9 231:12 249:23 250:13	holds 87:21 143:23 144:4,13,18 228:12	IAD 286:10
	hole 252:13	I'd 51:12 52:7 63:3 167:2 241:23 242:6 255:21
	holster 216:23	idea 195:17
	Homeland 19:16 41:6 46:14	I'll 30:13 31:12 32:5 50:22 52:11 96:16 137:13 160:14 168:10 183:7 186:14 200:4 203:4 206:7 210:22 211:9 228:17 230:13 231:21 242:22 259:1 261:6 262:17 273:20 274:1 286:22,24
	honest 163:24	illegal 28:9
	hook 72:1 130:25 131:12 228:14	I'm 7:3,6 8:8 11:10 12:1,3,17,18,19 14:4 15:4,5,18,20 17:3 28:21,22 30:20,21 35:4,23 40:10 44:3,13,22 45:14,21 51:19 54:6,8 60:25 61:5 62:16,24 63:12 66:25 67:10,14,25 68:10,11 70:17 71:21 72:10 73:25 74:14,23 77:5 81:2,11,13,16 82:2,5,6 84:8 85:1,6,16 86:17,20 87:2 89:21 90:4 93:9 97:24 99:11 101:22 102:4 105:18 110:18 113:19 115:8,10,13 118:23
	hooked 131:17	
	hope 208:12 274:11	
	hoping 256:11	
	hospital 147:25	
	hothead 11:13,15,16,22 12:4,14,21	
	hotheads 12:25 13:13	
	hour 63:12 85:11,15 105:21 215:16 281:13	
	hours 38:7,12,15 62:14,16,22 63:1 104:4 147:6 215:13 267:6 286:9	
	Hulse 2:11	
	humane 190:1	
	Hummer 170:3	
	hurt 133:24 197:4 214:5,10,11	
	hurting 193:23	
hindsight 207:24 209:17,24 210:14 213:16		
hip 253:7		
hit 100:13 101:8 112:21 117:5 119:21 120:2,21 121:5,18 123:14 172:23 174:14,18 178:6 182:22,23 183:13 186:17		
hits 172:25 173:12 174:5		
hitting 100:17 101:1 200:11,12		
hogtie 70:13,14,16 71:1,2 89:11,23,25		
hogties 70:6,10		
hold 21:6,9 22:6,14 23:8,17,19 127:11 143:2,11,14,15,19,2 1 144:1,6,9,19,21 145:1,22,25 146:7 192:25		

122:22 125:8 128:3 134:6,10 143:6,15 144:6 151:12 156:2 157:7 158:25 161:2 164:24,25 166:7 167:1,10 168:14 169:22 174:12 177:13 181:11 183:10 186:12 187:4 189:21,23 192:12 193:17 194:6,11 195:8,9,15 196:1,3 199:18 200:25 201:3,4 203:3 206:5,6 209:15 210:6,20,21 211:2,12 212:4,6,18 214:8 215:25 216:2,13 217:6,7,8,20 222:3,9 223:6,20 224:15 228:19 229:12 230:16,23 231:19 232:18 233:7 241:23 242:6,7 245:3,13 246:18 247:17 249:13 251:2 252:6 254:1 255:12 256:2 258:11,20 266:3,5,24 267:20 269:3 272:10,22 274:21 275:20 276:7,11,19 277:6 282:1 284:21 286:3,20,21 287:6 immediate 248:9 immediately 16:19 116:10 248:18 286:7 immune 219:22 impact 75:15,21 76:9 impacted 76:15 impacts 16:9 impeachment 209:16,21 210:7,9 211:24 212:3 impermissible 11:6	impervious 220:5,9 implemented 270:22 important 6:14 7:5,9 48:13,16 63:20 82:12 92:21 112:4,7,23 113:3,7 123:24 124:5 125:17 139:19 impossible 245:25 impression 270:23 improper 29:14 51:2 57:11 100:19 101:2,10,17 103:2,4 209:16,20 210:7,8,15 211:24 212:3 250:5 Inc 1:10 2:9 5:5 incapacitate 221:18 incapacitated 222:1 incident 12:24 13:12 62:3 164:9 include 48:13,17,23 49:1,5 including 42:12 100:5 144:20 178:17 incomplete 248:21 262:11 271:3 272:1 275:2 incorrect 239:22 261:1 270:7 increase 43:6 164:17 indeed 60:1 269:22 independent 218:9 indicate 48:20 240:9 indicated 170:18 181:17 235:1 indicates 234:19 indicating 21:16 80:5 129:8,9 170:16 indication 47:23	Individually 1:5 individuals 66:18 inevitably 230:21 inflict 101:12,18 103:7 132:11 inflicted 251:6 inflicting 103:9 255:15 inflicts 219:23 information 19:8 39:2 48:14 50:19 51:8 52:22,24 64:22,23 82:20 112:22,23 123:24 185:10 219:9 285:14,19 286:2,7,9,17 initially 104:1 injure 186:21 injured 122:16 126:21 186:25 190:6 injuries 48:20,24 132:13 246:22 247:14 249:8,14 255:7 injuring 238:22 239:5 injury 65:2 77:4 103:7,10 132:11 166:1 167:3,4,16 170:11 171:10 174:24 180:12 183:15,18 199:21 200:21 201:17 247:1,5 248:8 249:16 251:5 inmates 148:25 inner 56:7 inside 10:16 43:7 44:17 60:6 127:5 165:4 166:13 177:3,19 235:5
---	---	---

insist 115:13	24	jail 7:25
instance 17:10 26:19 82:6 273:12	irritated 11:20	10:12,13,16 11:4 24:20 25:1,8,11,15 43:6,7 44:18 53:18 60:6 65:20 68:1 72:6,12,16,20,25 73:6,7,22,24 104:1 105:14,16,21,24 106:10 107:15,18 108:11,14,19 109:15 110:8 111:1,19 113:5,11 114:6 115:7 116:4 119:17 121:5 129:18 130:5,7,12,14,24 131:2 135:14 136:8,13,19 138:16 141:22 143:3 146:12 148:3,4 151:10,13 159:17,21 160:3 161:25 162:2 170:9 172:11 175:16 176:10 177:2,4,18,20 180:11 182:24 183:15,19 184:4,20 185:1 188:2,3 204:22 205:2 219:10 226:25 232:17 236:12,15 237:2 243:3 244:10 246:22 247:1,13 249:10 251:15,21 252:24 253:4,14,18 254:4 261:24 264:22 268:18 269:18 270:4,10,16 271:1,5 280:15
instances 27:17	isn't 50:21 51:10,16 58:1 140:1 167:12	jails 73:18,24 74:2,5 106:22 107:5 148:24 244:3
instead 202:21 203:8 268:20 273:16 277:22	issue 76:5,7 212:14 233:12	January 18:4,5 73:12
instructed 65:7,11 159:2,3,15	issued 37:15	jdarnell@jdarnell 2:16
instruction 51:3	issues 162:22	jedarnell@jedarnell.c om 2:17
instructors 221:8,11	item 82:12 277:13,14	Jeep 2:15 3:5,7
intent 48:13 195:3,24 196:7,8,20,22 265:16	items 4:1 49:20,25 68:2 199:1 258:5	
intentional 186:17,20 187:1 265:15	it'll 259:2	
interaction 188:18	it's 6:14 7:5 20:21 22:18 26:4 27:20 28:19 31:21 32:17,18 34:16,24 36:16 37:14 41:25 42:16 44:5,17 46:9 51:25 52:13 53:8,14 60:17 63:24 80:14 88:25 91:25 97:18 101:10,21 102:15,17,18,20 111:13 118:3 132:6,8 150:20,25 151:6 153:16 155:10 166:13,14,15,17,19, 20,21,22 184:10 198:2,8,17,18 199:5,10 200:22 208:8 209:20 210:6,23 211:2,13,20,24 212:3,7 216:6,11,12 223:5 230:15 233:11 246:6 249:22 257:3 258:25 268:21 272:18 273:10,23 274:12 287:6	
interest 94:6		
interested 242:22 289:12		
interesting 241:13 267:10,15		
internal 41:14 62:2,11 64:9 240:1 256:1 286:8		
interrupt 25:5		
interview 182:10,11 263:8 264:8,10 265:1		
interviews 261:22		
introduce 5:6		
investigation 45:10,18 263:20		
investigations 41:15		
involuntary 41:11		
involved 180:13 223:25 278:4		
irons 70:2 71:20,21 231:4,6,9,12,14,17,		

5:19,22 79:3 85:1,4,8,14,18 186:12 188:5,10,17,25 189:1,4,12 193:17 195:7 197:2,15 198:6,22 199:18 201:4 202:1,24 203:14,22,25 204:4,15,24 206:4,22 207:1,23 209:3,15,20 210:1,5,10,13,18,25 211:4,7,11 212:9,20,24 213:4,8 214:7,19,22 215:5 217:3,10 219:18,24 220:1 223:19 226:19,23 227:4,19,24 228:9 229:12 230:10 232:23 236:17 238:14,18 240:23 241:12 242:17 244:7 245:20 246:11 248:20 250:5,9 251:11 253:22 255:13 256:11 257:25 258:12,18,23 259:3,8,12,17 260:10 261:6,8,12,23 262:6,16,18 265:2,9,25 266:12 267:8,12,16 268:3,13,16 269:7 277:25 279:24 281:19 282:17 284:18,21 286:21,24 jeopardize 229:9 Jim 2:14 5:13,19 9:12,18 11:9 13:5 14:3 15:12 16:23 17:8 19:1,11 25:5 26:2 27:2,10,21 28:17 29:5,21 30:5 33:8,17 35:9,18 36:14 38:11 39:7	64:4 69:5 72:8 78:12 79:1,25 80:21 81:9 83:4 84:2,15 86:10,18 87:1,5 88:11 94:19 97:23 98:5 100:24 101:4 102:3,25 107:13 110:12 116:24 117:8,18 118:8 119:9 120:6 124:20 126:12,18 128:2 133:9 140:9 142:9,21 149:9 150:1,11 152:21 153:6,15 155:1,15 157:1 159:7,12 164:23 167:8 171:8 172:16 173:3,23 174:9 176:18 177:8 179:9 186:11 jitter 208:17 job 19:25 34:2 40:17,19 41:4,19 144:12 190:20,21 197:20 206:1,10,18 207:5 208:21 209:1 229:20,21 271:17 272:3 274:23 275:5 277:23 Johnson 108:21,23 109:3 113:15 139:7 228:1 233:22 join 142:23 Jose 1:10 2:13 5:20 judge 157:6 210:17 212:2,14 213:2,7 226:23 July 20:1,2,7 40:5,6,8,13 42:15 154:12 jumping 111:10 jury 60:9,10 61:9 justification 37:10 49:2,5,10,14 83:14 justified 49:18,20	79:21 82:24 103:11 174:18 justifies 84:1 justify 50:2,20 51:10,15 52:3,17 justifying 50:16 <hr/> <div style="text-align: center;">K</div> <hr/> keel 127:20 key 165:18 kick 77:9,10 100:13 101:8 225:16 226:10 239:17 260:13 kicked 64:16 260:4 kicking 100:17 101:1 150:16 kill 84:13 85:21 232:19 killed 50:21 51:10 253:19 254:5,7 257:22 killing 83:14 84:1 kinds 14:15 43:13 102:16 132:13 228:6 knees 54:4,14 55:5,7,9,10,11,14,1 7,21 57:6,10,13,15,20 58:8,12,13,18 59:1,10 112:19 116:15,16,19 117:2,5,9,16,21,25 118:4,6,12,17,24 119:1,15,17 123:20 124:6 125:14 129:2 158:18,19 172:14,25 173:7 176:3 knelt 56:5,6 knew 26:14 28:11 43:5 68:3 73:22 100:2,17 103:19 171:9 183:18 197:7 199:10 200:17 204:8
--	---	--

224:15 229:22 230:2 knocked 243:7 knowledge 38:18 39:5,6 47:17 48:23 82:19 103:15 134:20 140:20 144:7 146:4,24 151:21 154:13 155:6 164:19 167:5 168:8 214:12 215:7 216:20 217:18,19 219:8 221:9 226:13 231:11 236:12 241:17 245:5 283:17 285:1 known 13:22 <hr/> <div style="text-align: center;">L</div> <hr/> lack 6:24,25 11:24 16:12,21 17:6 25:25 27:7 28:5 29:3 33:22 35:16 50:5 69:3 167:6 230:8 238:18 257:23 lacks 106:17 203:15 lady 41:22 lane 99:12 lap 162:22 lapse 159:10 large 175:15 last 61:12 62:14 63:4 64:9 115:13 169:19,23,25 178:4 199:19 215:13 246:19 249:22 250:2 268:7 278:11 279:23 lasted 38:5 40:24 163:21 262:1 lastly 275:7 lasts 215:16 latch 165:17 166:13,14,20 late 40:4 104:4 137:12,15 259:20	later 60:9,21 211:25 259:23 260:19 267:19 286:9 laughing 256:10 law 6:11 11:21 12:5 16:17 17:14,21 18:18 19:4 20:10 27:25 28:4,24 29:9,11 30:2,15 33:19 36:9 41:18 42:12 69:1,8 82:12,17 91:22 94:10 95:17 97:6 98:20 143:17,25 145:5,14 153:20 154:5 155:19 156:16,20 157:19 158:1 242:18 287:6 lawful 41:25 laws 36:13 lawsuit 35:13 lawyer 252:10 276:1,6,19,22 278:6 laying 77:17 lead 30:9,24 259:14 leading 261:3,7 262:2 270:2 271:3,20 275:2 leaned 192:21 leaning 190:17 learn 18:22 72:19 93:19 101:11,17 103:16 109:7 135:4 145:24 154:4,10 159:2 185:15 learned 20:14 36:21 37:5 109:2 148:24 170:11 220:3 least 26:13 35:13 57:6,22 58:7 97:19 103:22 108:15 165:2 174:3 240:7 278:21 281:16	leave 40:6 45:12 66:22 67:14,23,25 105:13 leaves 207:13 leaving 45:2 74:11 109:8,11 146:14 151:23 179:15 188:2 232:17 237:15 leg 70:1,2 71:20,21 231:4,6,9,12,14,17, 24 legal 25:25 26:18 27:1,8,20 28:16 29:4,20 30:4,9,10,25 33:7,14 34:11 35:17 79:24 80:19 81:7,25 83:2 84:4 100:22 101:15 102:2,24 142:7,21 149:24 150:9 153:4,14 155:2,13 174:22 211:16,23 223:17 Legate 2:6 legitimate 211:22 legs 69:2,23 70:7,15,16 74:11,16 75:3,6,10,15 88:18,22,24 89:1,6,25 190:17 193:24 228:13 lend 91:19,21 length 168:5 246:4 Leo 2:19 less 19:4 37:19 62:22,25 63:3 163:17,21 204:9,12 215:17 let's 22:22 51:24 52:12 53:13 94:17 95:21 104:2 134:9 137:20 147:20 160:5,23 168:2,9 169:16 180:21
---	--	--

181:10 183:6 184:7 189:18 192:18 194:9 196:3 198:24 200:25 202:13 208:5 210:16 222:13,14 230:13 237:24 243:20 245:15 252:2 272:8 273:2,15 275:25 level 32:8 37:13,24 179:14 181:17 186:7 225:20 liability 29:18 30:24 33:5 liable 35:23 license 37:13,14,25 licensing 32:9 life 14:7,12 16:17 20:12 48:4,5 71:3 72:12,24 75:2 220:22,24 life's 15:5,21 life-threatening 98:21 lifetime 15:9 lift 45:24 lifted 131:17 lifting 131:24 likely 13:25 Lincoln 170:3 line 4:2,3 85:7 110:18 163:5 170:2 179:25 181:22 183:11 184:8,12 192:6,20 194:9,10,11,12 196:5 201:2,5,12,13 202:13 205:22 228:17,20 232:14 254:23 259:23 263:18 266:7,10 272:9,11 273:3,16,17 281:20 288:2	lines 168:9 175:21 181:10 183:6 199:1 205:11 229:6 230:17 231:20 266:16 267:9 271:12 link 120:19 121:2 122:3,9,20 126:22 liquid 240:17 listen 6:14 232:9 litigations 29:13 little 53:12 57:6,22 58:7,19 86:23 165:17 166:14 193:14 200:6 240:6 244:4 261:19 loaded 242:23 loading 222:6,9,10 locate 166:11 located 94:7 107:22 241:7 location 22:13 44:7 45:2,8 92:10 94:4,24 95:1,3,6,13 96:5 lock 167:16 locked 44:7,8,18 45:1,17 165:7,25 166:6,21,22 locker 121:15 124:11 135:16,22 159:4,11 lockers 120:12,14,15,18 121:14,19 122:1,5 123:19 146:20 158:16 178:14 233:18 locking 165:9,13 166:10 logical 46:12 114:18 long 13:22 20:22 28:1 52:5,6 53:6 105:3 108:3 110:25 113:3,24 114:24	115:14 122:7 123:9 140:6 158:10 261:17 longer 90:6 loop 150:23 loops 71:19 loose 164:14,16,17 165:1 167:12 lose 206:1,10,17 losing 77:5 271:16 274:22 lost 15:17 77:12 218:10 262:4 lot 115:11 139:24 260:17 loud 77:14 273:5 loudly 252:11 Lozano 61:19 236:20,21 242:2 LPR 41:23 lunch 85:12 151:16 160:5 175:5 178:9 202:9 233:1 234:3,13,25 235:12,18,25 236:4 237:15 281:12 lying 54:2 240:14 261:2 <hr/> M <hr/> ma'am 232:1 263:23 main 2:11 206:20 208:14 229:4,7 male 94:2 man 68:12 184:15 225:6 maneuvers 228:13 manners 48:11 March 24:17,21 48:8 49:9 52:1,15 61:21 62:4 63:5,9 64:1 65:12 71:12 72:13
---	---	---

88:4 92:13,15,16,20 93:5 95:21 96:1 99:25 100:3,10 101:23 102:9 103:23 104:3 112:8,11 125:18 139:22 153:23 158:2 160:17 164:6 179:4 182:12 204:22 205:4 219:10 220:19 231:3 233:14 236:23 249:5 260:18 261:1,24 269:13 270:22 279:15 282:13 283:3,7,12,16 mark 51:3 168:2 210:16 255:21 257:1 marked 160:13 168:1 255:23 257:2,17 283:3 markings 250:25 251:1,22,25 252:1 275:13,17 marks 252:17,23 253:2,3,8,13,16 254:2 mask 151:1 matter 5:3 22:8 122:21 matters 14:17 Matthews 105:25 108:21,23,25 109:2,7,11,16 110:7,20 113:12,23 114:2,8,20 124:13 127:3 133:6 137:8,9,10,12,16,22 ,23 138:9 139:8 154:23 155:9 167:25 232:8,12,22 233:22 may 60:20 119:9 216:1,7 252:8 255:22 264:8,13 267:5,22 268:7,8,9 271:15 282:12,16	283:8,12,14 284:9 maybe 21:25 46:2 67:11 97:25 98:9 232:25 257:14 259:6,12 mean 28:19 71:21 73:23 80:24 90:4 97:16 101:7 105:18 114:25 130:16 134:2 144:9 152:23 165:1 166:21 191:15,18,19 222:12 224:21,22 227:22 261:17 270:17 274:7 283:12,23 meaning 265:21 means 98:24 165:10 166:20 191:17 250:8 meant 280:14 media 215:20 263:4 264:6 mediation 60:21,23 61:1,3 medical 56:13 141:1,24 142:2 146:11,15,18 147:21,22,23,24 148:4,6,7,8,11,12,1 7,18,19,21,22,23 152:17 155:9,16,23 156:5,9,15,21 157:21 158:2 184:23 185:14 189:10 248:9,15,18,24 254:17,20 255:7 269:17 270:14,25 275:5 276:3,9,14 277:9,15,19 278:4 279:5,9 medically 147:4 151:19 medication 6:24 meet 107:21 210:23 212:5 278:6,11 279:22 281:12	meeting 278:23 279:2 280:18 memory 216:10 222:4 237:12 261:18 262:15 Mendez 2:6 5:11 mentally 12:22 mention 239:8 mentioned 29:12 34:12 53:5 167:25 200:19 202:3 Mesa 2:15 met 226:13,14 278:19 280:6 281:15 metal 120:16,19 150:20 178:14 method 24:18 224:6,17 methods 25:18 37:1 middle 175:16,21 235:5 miles 105:2 mind 12:11,14,20 21:20 47:2,7 53:3,7 79:20 90:19 126:4,5,6 147:23 172:2 186:16 189:19 223:10 225:10 265:15 274:15 mindful 13:18,21 mine 11:1 57:24 258:14,24 267:7 minimum 268:9 minor 249:9 minute 79:5 163:17,21 210:2 minutes 9:23 60:2,5 78:21 79:13,14 85:3,5,9 108:4 111:3,4,7 113:22 115:3,5,6,13,15 121:23,24 123:12,13
---	---	---

140:14,17,23 158:12 162:10,11,15,24 259:14 263:7 274:7,8 278:20 281:2,16 mischaracterization 97:22 117:1,19 260:8 261:4 262:12 266:13 273:11 275:2 278:1 mischaracterize 120:4 mischaracterizes 57:8 64:2 75:24 76:11 116:20 117:6 120:4 253:23 misconduct 212:22 misleading 189:22 260:8 261:4 262:11 273:10 mismark 258:13 misread 189:21,22 Mission 31:7,19 32:8 38:4 104:24 105:6 133:3,12 161:15 misstatement 86:18 88:11 98:6 116:24 118:9 126:12 140:9 149:10 159:12 172:17 173:3 177:9 206:24 209:4 261:4 270:1 misstates 9:13 126:16 156:12,24 173:20 174:6 201:24 217:5 229:13 268:1 271:20 misstating 157:10 199:19 moaning 78:18 moment 55:6 76:19 96:4 155:21 185:7 186:12 190:22 191:24 206:8 207:11	229:15 246:18 254:10,11 moments 47:1 month 18:6,7,21 19:20 20:3,11,14 46:2 73:9 months 144:24 263:8,9 month's 18:18 morning 5:16 176:15 226:1 280:2,10 281:6,11 mouth 240:18 move 25:13 31:11 39:3 52:9 83:22 134:10 137:4,13,19 138:7 142:15 150:25 164:3,18 165:4,15,18 184:24 280:16 moved 138:13 movement 72:4,5 243:4 movements 173:11 moving 76:7 129:10 135:5 165:2 167:13 170:21 194:21 multiple 72:17,18 217:22 264:17 muscles 221:16 mutilate 255:1 myself 34:2 77:5 108:2 184:15,17 186:1 272:3 <hr/> <div>N</div> <hr/> nature 21:3 34:5 36:19 87:22 98:10 208:4 245:6 necessarily 16:24,25 224:21 necessary 81:5,23	neck 253:3 negative 109:6 190:12 neither 289:8 Nevertheless 63:24 nice 211:25 night 147:2 236:23 242:12 nine 123:13 268:10 NM 1:25 nobody 134:8,16 181:24 noises 123:23 124:6 187:17,18 nonresponsive 25:13 39:3 52:10 83:23 93:3 134:11 137:19 142:15 164:3 184:25 280:16 noodles 202:15 223:14 nor 289:9 normally 14:19 notary 285:10 288:24 note 113:3,7,9 noted 125:17 288:17 nothing 81:14,21 110:6 140:7 268:12 notice 123:4 noticed 121:2 122:13 123:6,8,15 notified 156:17 notify 155:18,23 156:4,10,20 157:19 158:1 269:16 270:13,24 286:7 nurse 151:19 184:14 236:12 237:2,8,9 249:10 nurses 129:5
--	---	---

141:7,11,16,19 142:14 148:4 184:23 236:14 249:7,13	80:18,21 81:6,9,24 82:14 83:1,4 84:2,15,17 86:8,10 87:6 89:8,19 91:8,24 92:18,23 93:8 94:14,18,19 95:7,10,18 96:12,24 97:21,23 98:5 100:21,24 101:14 102:1,3,23,25 106:17 107:11,13 109:17 110:10,12 113:6 114:22 116:20,25 117:6,8,20 118:10 119:8 120:3,6 124:1 126:16,18 127:25 128:2 132:5 133:10 135:25 139:21 140:11 142:7,9,20,23 143:4 144:3,15 145:2 146:1 149:15,24 150:1,9,11 152:19,21 153:4,6,13,15 155:3,13,15,24 156:12,24 157:1,6,13 159:14 164:7,21 167:6 169:10 171:6,8 172:18 173:2,20,23 174:6,9,21 176:17,18 177:10 179:8,9 188:10,17 189:5,12 195:4,7,13 196:25 197:2,15,17 198:4,6,13,20,22 200:1 201:24 202:1,22,24 203:14,15,22,25 204:4,13,15,24,25 206:2,4,22,23 207:20,23 209:3,5 210:6 211:16,17,24 212:11 213:10 214:7,19,22 215:5 217:3,4,5,8 219:16,18,24 220:1	223:2,16,19 224:8,20 226:19,22 227:4 228:8,9 229:25 230:8,10 232:23 236:17 238:14 240:23 241:12 244:6,7,15 245:11,20,21 246:9,11 248:11,20 249:11 250:5 251:9 253:20,22 255:3,9 257:23,25 259:8 260:7 261:3 262:2,10 265:2,23,25 266:12,14 268:1,3 270:2 271:2,20,25 272:17 273:1,8 275:1 277:25 278:2 279:24 objections 22:12 101:3,20 102:7 189:2 206:13,25 210:22 248:22 251:11 255:13 273:9,20 obligation 6:10 7:13 49:22 154:10 156:10,19 157:18 181:7 270:13,23 obligations 153:20 155:11 observation 116:1,2 240:22 observations 157:16 200:18 obviously 12:8 45:11 77:12 91:5 92:7 96:2 99:5,9 221:15 272:3 283:6 OC 145:19 occasionally 140:2 occasions 279:8 281:16 occur 253:17
141:7,11,16,19 142:14 148:4 184:23 236:14 249:7,13 <hr/> <div style="text-align: center;">O</div> <hr/> oath 6:9 168:22 181:4,5 194:24 199:15 202:20 203:1,7 235:12 237:22 279:8,21 280:19 281:7 object 19:1 22:4 36:14 38:10,11 39:7 72:8 86:18 87:1,5 88:11 116:24 117:18 118:8 124:20 126:12 133:9 149:9 155:1 159:7,12 172:16 177:8 188:5 193:17 199:18 209:16 229:12 281:19 284:21 objecting 22:9 objection 8:1,6 9:7,12,18 11:7,9,24 12:7 13:3,5,9 14:1,3,11,21,25 15:10,12,24 16:5,11,21,23 17:6,8 19:6 24:23 25:24 26:2,17,25 27:2,7,10,19,21 28:5,15,17 29:3,5,19,21 30:3,5,25 31:6 33:1,6,8,13,17,22 34:10,23 35:3,8,9,16,18 36:15 37:21 39:9 43:8,22 44:10,20 45:4 47:13 49:23 50:5 57:8,11 58:15,21 59:7 64:2,4 66:10 68:18 69:3,5 70:4,8,22 73:20 74:19 75:12,24 76:11 78:10,12 79:2,23,25		

<p>occurred 48:24 119:4 160:3 262:8</p> <p>off-duty 185:13</p> <p>office 215:22 263:4 264:6</p> <p>officer 1:10 2:13 3:17 8:16 11:21 12:9,16 19:4 25:12 37:20 40:17,20,23 48:5 49:11,15 56:3 62:3 64:13 69:1,9,22 73:11 82:13,17 83:14 84:1,9,23 93:10,21 95:17,20 97:7,12 98:3,14 99:5,8 104:9 106:5,11,15,21 107:4,20,24 108:20 109:23 115:25 116:3 118:6,15,18 119:2 122:5 131:12 137:16 142:6 143:17 144:1,11 151:18 153:17 154:5,9 155:18,20 156:15,16,21 157:19 158:1,20,25 159:15,16 161:16,17 168:11 170:10 171:2,3,15,18 172:2,11 175:22 176:4 178:20 181:8 182:6,19 183:12,22 185:13 187:24 188:14 189:8,15 194:3 197:5 200:19,22 202:3,6 205:14 208:13 214:3 216:19 217:1,16,24 218:16 219:6 222:7,19,23 228:22 229:3 233:17 234:5,9,15,20 235:15,21 237:8 238:21 241:6,9 243:5,10 249:22 251:7 268:17 270:14</p>	<p>271:8 289:3</p> <p>officers 12:15 78:2 96:22 97:18 98:18 99:7 107:6 109:24 122:3 123:22 124:9 125:20 137:17,18 141:8 154:17,18,19 176:22 203:20 204:5,17,19 227:10,12,13,14 234:4 260:11,18</p> <p>officer's 83:21 84:7 93:6</p> <p>official 155:19</p> <p>officially 40:23</p> <p>oh 8:23 64:16 99:11 103:5 166:19 168:23 201:16 250:4 267:14</p> <p>okay 10:15 17:19,23 22:22 30:21 51:24 54:5 61:25 68:7,8,9 84:20 101:24 102:9 135:10 141:5 145:15 147:17,25 163:19 166:16 168:11 169:16,24 170:6 192:3 195:23 203:10 216:8,15 217:13 222:13,18 227:24 228:18,21 231:22 242:21 252:9,20 255:14 258:18 269:6 272:25 273:15 274:4 276:7,24 281:5 285:25</p> <p>old 15:19</p> <p>omendez@scherrlegate .com 2:8</p> <p>one-hour 5:22</p> <p>one-month 19:12 149:6</p> <p>ones 133:8 154:20</p> <p>one-week 38:8</p> <p>onto 119:17</p>	<p>open 112:20 116:2,13 118:16 175:23</p> <p>opened 108:6 115:25 116:7,10,12 118:15 128:14 172:10 173:17 174:2 175:22 235:15</p> <p>opening 116:8</p> <p>opens 173:10</p> <p>opinion 11:17 12:22 30:9 32:17 80:1 81:8 82:1 83:3 100:22 101:15 102:2,24 147:24 148:6 167:9 196:19 248:12 249:12 251:10 255:11</p> <p>opportunity 67:3,7 88:20 164:18 215:23 251:18 264:11,16 283:10 284:11 285:1,15</p> <p>opposed 45:2 130:13 148:12 176:13 222:4 239:12</p> <p>order 37:16 255:21 257:15,19 279:14 283:7</p> <p>ordered 286:7,17</p> <p>Oregon 1:17 2:7</p> <p>orient 201:2</p> <p>Ortega 2:10 3:8 5:16,17 8:1,6 9:7 11:7,24 12:7 13:3 14:1,11,21,25 15:10,24 16:5,11,21 17:6 19:6 21:23 22:4,11 24:23 25:24 26:17,25 27:7,19,22 28:5,15 29:3,19 30:3,6,8,25 31:6,17,23 33:1,6,13,22 34:10,23 35:3,8,16 36:15 37:21 38:10</p>
--	--	--

39:9 43:8,22 44:10,20 45:4 47:13,20 49:23 50:5,22 51:21 53:17 57:8 58:15,21 59:7 61:3 64:2 66:10 67:18 68:18 69:3 70:4,8,22 72:21 73:20 74:3,19 75:12,24 76:2,11 78:10 79:2,23 80:18 81:6,18,24 82:14 83:1,16 84:4,17 86:8 87:6 88:4 89:8,19 90:14 91:8,24 92:1,18,23 93:8 94:14,18 95:7,10,18 96:12,24 97:8,21 98:15,22,25 99:25 100:2,21 101:3,14,20 102:1,23 106:17 107:11 109:17 110:10 113:6 114:22 115:8 116:20,25 117:6,20 118:10 119:5,8,13 120:3 124:1,22 126:16 127:11,25 130:6 132:5 133:10 135:25 139:21 140:11 142:7,20,23 143:4,10,13 144:3,15 145:2 146:1 149:15,24 150:9 151:16 152:19 153:4,7,13,23,25 155:3,13,24 156:12,24 157:2,7,10 159:14 161:5 164:7,21 167:6 169:10 171:6,21,23,25 172:18 173:2,5,20 174:6,21 176:17 177:10 179:8 184:9 188:1 195:4,13 196:25 197:17 198:4,13,20 200:1	201:24 202:22,25 203:15 204:13 206:2,25 207:20 209:5 219:16 223:2,16 224:8,20 228:8 229:25 230:8 244:6,15 245:11,21 246:9 248:11,22 249:11 251:9 253:20,23 255:3,9 257:23 262:19,21 265:6,23 266:1,14 267:3 268:1 269:9,11 270:6 271:6,22 272:8,22 273:1,2,15 274:1 275:7,21 276:11,16 277:6 278:2 285:22 286:22 Oscar 2:6 5:11 others 12:1 49:6 155:23,25 156:5 275:22 otherwise 7:18 16:18 26:15 45:12 77:9 outside 43:5 44:8,15 53:2,14 54:1 90:16,23 108:24 146:14 158:11 159:5,10,17,21 160:2 180:11 187:23 188:4,14,16,23 190:16 191:7 192:2,9 193:5 205:15 214:2 271:10,23 overbroad 36:14 261:5,11,15 262:10,12 271:3,25 275:19 <hr/> <div style="text-align: center;">P</div> <hr/> P.C 2:11 p.m 1:17 87:14 104:6 107:16 115:19,22 147:7 160:6,9	243:22,25 287:3 page 3:2,11,14 4:2,3 160:23 163:2 168:9 169:18 175:14 181:10,22 183:6,10,11 184:7,10 189:18,20 192:18 194:9,10,11 196:3,4 198:25 200:25 201:4,5,11 202:13 205:11 208:6 228:16,17,19,20 229:6 230:16,17 231:20 233:13,15 237:24 239:1,15 241:14 256:3,5,6,13 260:11 263:18 265:12 266:6 267:8,9,11 272:9,10,11 273:3,16,17 276:5 284:23 286:5 288:2 pages 168:4 202:5 257:13 276:1 277:14 pain 169:9,13,15 170:4 221:17,23 225:11,17 pair 74:16 pamphlets 36:25 37:2,3 pant 71:19 pants 56:18 65:17 68:16,17 69:1 74:8,11,16,17 76:16,19 189:25 259:5 paperwork 148:2 paragraph 163:4 169:19,22 175:15,17 178:5,13 233:17 235:5 237:25 239:2,15 240:13 286:6 paranoid 111:20 Pardon 124:3
--	--	---

<p>parked 107:18 108:13</p> <p>partially 93:3</p> <p>parties 189:1,6 289:9,12</p> <p>partner 11:3 12:9,14 13:22,24 109:24 113:12 233:22</p> <p>partway 174:4</p> <p>Paso 1:3,18 2:7,12,16 3:15,18 19:15,25 20:5,9 40:10,12,16,19,22 42:13,18 43:2 46:17 61:2,19 62:5,11 72:6,12 73:24 93:16,20 94:5 106:6,11,15 118:21 125:6 142:12 144:25 145:4,9 151:10 154:19 155:25 197:12 203:12,19 204:6,18,19 215:22 221:5,20 257:11 269:16 270:24</p> <p>Pass 275:21</p> <p>passed 119:22 120:17 121:17,20 122:1,11,19 162:6</p> <p>passenger 180:9</p> <p>passenger's 186:6</p> <p>past 36:22 42:11,20 62:15,17 63:1,8 120:1,12,13 178:5,13 180:24</p> <p>patch 257:10</p> <p>path 189:23</p> <p>patting 192:2 217:2,6,16 218:17</p> <p>pavement 199:17,21 201:8,14 239:4</p> <p>pay 167:2</p> <p>PD 40:22 62:5,11 94:22 145:4 221:21</p>	<p>peace 106:21 107:4,6</p> <p>Pebble 10:9 88:2 91:18,20 104:13,23,24 105:7,11,14 133:1 136:19,23 137:17 161:24 167:20 168:19 179:11,15,21 185:9,18,20,24 186:9 231:12 249:23 250:13</p> <p>Pebbles 246:20</p> <p>pedestrians 99:10,14,19</p> <p>penalty 7:10 63:25</p> <p>pending 276:23</p> <p>people 14:8,18 15:6 92:10 98:10 99:10 133:7 139:5 149:23 185:14 204:21 205:1,3,7 227:9 228:14 242:19</p> <p>people's 198:23</p> <p>per 38:7,12 227:10,16,17,19</p> <p>perceived 84:7,10</p> <p>perform 218:4</p> <p>performed 218:6</p> <p>period 78:7 114:20 149:6 158:14 240:21 261:17,23 278:20</p> <p>peripheral 77:7 80:6</p> <p>Peripherals 113:17</p> <p>perjury 7:10 63:25</p> <p>permanent 41:25</p> <p>person 7:19 8:10,25 11:4,16 12:4,21 15:22 16:2,4,8,15 43:13 44:5,12,17 45:10,17,19 46:23 47:2,5 69:21 70:18 71:15 72:16 83:12,25 85:22</p>	<p>88:21 90:6 98:19 101:18,25 102:11,21 103:2 133:7 150:17 152:24 198:1,3,9 199:5,10 219:23 238:12 245:4 248:13,24 250:3</p> <p>personal 14:17 39:4 217:14 240:22</p> <p>personality 12:10</p> <p>personally 39:13 112:11 142:17 143:7 289:5</p> <p>personnel 78:3 255:7 269:17 270:25 272:6</p> <p>persons 283:1</p> <p>person's 43:24 44:1 45:7 70:1,7 89:24 198:16</p> <p>perspective 80:25 81:1</p> <p>pertains 177:11</p> <p>phone 146:25 158:21,22</p> <p>photo 257:8 275:9</p> <p>photograph 3:21,22,23,24,25 252:7 256:24</p> <p>photographs 247:18 257:20</p> <p>photos 166:7 246:18 255:19</p> <p>physical 145:18 179:5,13</p> <p>physically 89:16 111:13 130:18 178:24</p> <p>pick 125:12</p> <p>picture 247:19 249:21 250:17 254:8 257:10</p> <p>pictures 255:18</p>
---	--	--

258:6	166:11 175:7 179:1	279:20
pit 129:21	182:5,8 185:19,21	280:13,20,21,23
placed 179:24 239:12	188:22 190:18,24	281:1
places 28:1,2	191:6 192:21 193:21	port 50:2 52:23
plaintiff 1:7,15 2:2	194:16 195:12 196:6	53:14 55:4 60:1,5
5:10,12	199:23 200:10	67:19 78:4 91:14
plaintiff's 50:24	214:16 218:24,25	109:15 113:4 187:23
plan 207:12	219:20 220:15,16,20	188:15 190:16
Planas 161:17	224:5,10 225:5,7,15	191:3,7 192:2,9
plate 150:20	229:22 232:22	199:25 200:5
pleasant 221:15	233:25 239:17 246:5	222:12,13 271:11,23
please 5:6 9:20 13:6	252:8 259:25 261:21	274:24
15:16 23:9 25:5	266:17 276:10 286:3	portion 84:23 169:21
26:5 31:25 51:4,5	pointed 260:10,17	184:8 198:24 201:19
81:10 102:5 115:18	pointing 218:13	position 24:25
119:12 127:13	259:21	positions
129:19 156:2 166:12	points 25:11 87:21	244:8,11,18,22
171:13 177:14 200:3	108:24 130:24 139:8	possibility 34:24
210:16 213:12	161:10 175:6	35:1 87:17
233:13 258:22 273:5	police 3:15,18	possible 34:16 96:5
278:15 281:23	19:15,25 20:5 37:19	208:13 216:5 246:1
plexiglass 247:9	40:7,9,10,12,16,17,	possibly 11:17
PLLC 2:6	19,23 41:9	potentially 50:16
plural 286:16	42:13,18,22,25 43:2	69:21 98:21 201:22
plus 20:5 94:19	46:18 61:20 62:3	229:9
point 9:1 10:18	69:22 78:2 83:14	Poust 285:1
47:20,21 56:3,5,22	84:1 92:9 93:16,20	PowerPoints 36:24
66:4 68:11 71:7	94:6 99:7	37:1,2
76:22	106:5,6,9,11,15	precaution 179:20
77:2,7,8,14,23	118:22 125:6 133:17	181:17 182:7,15
81:15 90:14,22,23	137:17 142:12	precautions 179:6
91:6 94:4 95:19	144:25 145:9	182:20 186:3
97:8 98:15,22	154:9,18,19	predicate 250:6
100:4,9 109:10	155:7,25 156:15	preparation 269:1
117:12,24 119:20	181:8 197:12	prepare 61:14 104:11
120:24 121:1,9	203:12,19,20	prepared 12:22 242:1
122:4,16 123:4,19	204:6,18,19 215:22	presence 49:6 126:6
124:13 125:10,14	219:6 221:5 226:17	present 2:19 148:1
127:23 128:11	227:3 257:11 269:17	presented 32:13
130:6,7 131:20	270:14,24 271:8	presents 12:10
138:17 148:8 153:19	policies 17:12,14	preserved 13:9 102:7
154:25 158:16	48:3 73:25 106:3	
159:18 161:5,6,8	150:3 156:8,20	
	157:18 269:13	
	270:21 280:3,10	
	policy 156:6,7	
	157:23,25 269:19,23	

<p>157:16 206:13</p> <p>press 165:25</p> <p>pressed 116:3</p> <p>pressure</p> <p>55:13,17,19,24</p> <p>57:6,10,13,18,21,22,25</p> <p>58:2,7,10,12,18,20</p> <p>59:1 87:21 158:18</p> <p>244:13,18,19,22</p> <p>245:1,9,19 246:6,14</p> <p>279:18</p> <p>pretty 54:9 111:14</p> <p>112:21 163:24</p> <p>prevent 7:1 65:2</p> <p>71:4 74:12,16 77:3</p> <p>88:20 89:2 90:6,22</p> <p>180:5,12 238:22</p> <p>239:5</p> <p>prevented 74:25</p> <p>prevents 70:20 90:10</p> <p>165:19</p> <p>previous 46:17</p> <p>previously 194:24</p> <p>202:20 203:6 227:23</p> <p>261:10 275:9</p> <p>prior 75:25 210:7,10</p> <p>217:5 220:18 260:25</p> <p>263:7,13 264:3</p> <p>271:21 272:18</p> <p>279:7,12 282:4</p> <p>prison 73:8</p> <p>prisoner 11:3</p> <p>13:2,15</p> <p>21:2,4,6,7,8,9</p> <p>22:24 24:2,13,15</p> <p>25:19,22 26:9,15,22</p> <p>27:16 28:12,25</p> <p>33:21 43:5,6,14,19</p> <p>48:21 49:3,6 73:5</p> <p>99:23 101:9</p> <p>103:8,10 104:20</p> <p>105:25 106:10,16</p> <p>109:8,11,25 132:15</p> <p>149:12 151:6</p>	<p>153:11,21 154:11,25</p> <p>155:9,12,17 156:22</p> <p>157:21 178:25</p> <p>182:25 183:15</p> <p>227:25 228:7,24</p> <p>prisoners 22:6 32:21</p> <p>72:11 94:1</p> <p>104:12,18 106:5</p> <p>107:25 116:5 150:7</p> <p>153:2 154:16,23</p> <p>155:8 229:17,23</p> <p>230:3,4,12 248:16</p> <p>private 68:21,22</p> <p>privilege 281:21</p> <p>probably 203:13</p> <p>209:9 239:22 274:13</p> <p>probation 41:7,10</p> <p>problem 233:10</p> <p>Procedure 1:16</p> <p>procedures 17:14</p> <p>73:25</p> <p>proceed 7:7,19</p> <p>107:22 108:10</p> <p>proceeded 108:7</p> <p>128:16 172:22</p> <p>174:13 234:5,20</p> <p>235:15,21 236:1,7</p> <p>238:1</p> <p>proceeding 161:19</p> <p>process 32:18 177:25</p> <p>178:2</p> <p>processing 137:17</p> <p>154:17 161:17</p> <p>227:13</p> <p>proficiencies 38:18</p> <p>profusely 152:10</p> <p>prohibited 90:1</p> <p>pronunciation 163:6</p> <p>proper 14:10 21:1</p> <p>25:19 31:4,15</p> <p>32:3,12</p> <p>102:14,15,17,18,20</p>	<p>103:3 107:10</p> <p>132:6,8,9 204:16</p> <p>211:17</p> <p>properly 25:21</p> <p>26:8,15 28:12,25</p> <p>165:15</p> <p>propped 77:10 122:20</p> <p>propping 122:2 127:9</p> <p>protect 69:22</p> <p>96:11,23 98:13</p> <p>153:11,21 154:6,11</p> <p>155:12 200:14</p> <p>protected 96:7,8</p> <p>protecting 153:2</p> <p>Protection 41:21</p> <p>145:15 146:2</p> <p>provide 38:20,23</p> <p>39:12 48:7 64:21</p> <p>285:19 286:8,17</p> <p>provided 36:12</p> <p>38:3,19 39:14 61:18</p> <p>64:20,23 98:13</p> <p>178:18 255:25</p> <p>263:19 271:15</p> <p>282:21 283:20</p> <p>proximity 254:18</p> <p>public 285:10 288:24</p> <p>pull 56:18 68:16,17</p> <p>74:8 76:16 166:15</p> <p>189:25</p> <p>pulled 49:21</p> <p>222:7,19 223:23</p> <p>pulling 76:20 216:23</p> <p>218:1 243:13,17</p> <p>pulsating 152:13</p> <p>punch 100:13 226:10</p> <p>punching 100:17</p> <p>101:1</p> <p>punishment 101:18,25</p> <p>102:10</p> <p>punishment 101:12</p>
---	---	---

<p>purpose 42:2 44:25 45:13,16 74:8 90:3,4,5 92:6,8 93:7 94:5 96:6 211:22</p> <p>purposes 91:22</p> <p>pursuant 1:15</p> <p>push 100:15 101:8 151:7 171:4,18</p> <p>pushed 77:11 166:4,5</p> <p>pushing 100:18 101:1 123:20 162:20 163:6</p> <p>putting 45:1 58:7 71:5 77:13 90:21 124:14 135:15 140:8 174:19 180:4,8,9,11</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>qualifications 38:25</p> <p>quarter 105:12</p> <p>question 6:16 8:22 9:19,20 13:6 25:3,4,7,14 26:6 29:25 31:10,22,23 32:10 35:4 38:21 44:4 51:1,4,5,20,22 52:11 58:3 64:15 81:3,19,20 83:24 86:23 91:3 93:4 101:16 102:4 119:7,11 121:4 134:9 137:20 143:10 147:12 156:2 157:13,14 164:4 168:10,18,24 171:12 177:13 181:12,14,24 182:9,13 183:7,9,12 192:7,23 194:14,23 196:5,6,12,19 199:2,19 200:3 201:3 203:2,3 204:16 206:6,7,8,9,11 208:18 209:7,18 211:21 213:12 217:9 220:17 227:20</p>	<p>228:17,22 230:14,20 231:21,24 234:9 257:5 258:3 261:7 265:13 266:19 272:23 273:5,18,23 274:2,7 276:7,20,23 277:2 280:17 282:19 283:7</p> <p>questioned 205:12 279:8 281:8</p> <p>questioning 45:11,19 62:1 268:24 281:20</p> <p>questions 6:15 30:21 64:8,10,12 175:6,9 186:15 189:2 201:1 215:25 216:1,8 222:3 246:19 247:18 259:11,13,23 261:9,13 262:16 268:14 269:7 271:12 275:12 277:18 278:10,13,24 279:3 281:1,11 286:23</p> <p>quick 258:12</p> <p>quickly 11:20</p> <p>quite 73:23 76:21 163:24 254:16</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>radio 77:25 91:6,13,16,19,21,23 92:6,9,14,17,21 93:6,12,15,20 95:13,16,25 96:6,20,21 97:5 98:13,19 99:6,13,18,23 100:6,7 147:1 148:10,14,15,17</p> <p>raising 225:20</p> <p>ramp 78:5 111:13,14,16 113:12,14,22 222:12 241:6 254:22</p> <p>ran 206:9</p>	<p>rash 14:10</p> <p>rather 133:22 134:14,23 135:2 189:10 195:24 198:2,10</p> <p>re 111:11</p> <p>reach 83:5 114:19</p> <p>reached 80:11</p> <p>reaches 83:13 84:13</p> <p>reaching 80:9 83:8,25 84:22</p> <p>reading 53:2 62:19,23 63:1 163:8 184:2 196:15 201:16 229:1 273:6,24 274:4,10 282:7</p> <p>ready 7:22 56:19 65:17 74:9 85:1 104:16,17 230:18</p> <p>real 188:25 258:12</p> <p>really 14:10 16:9 85:9 143:16 184:20 193:24 208:15 220:21 223:9 224:14 257:13</p> <p>reason 5:21 6:14,22 7:17 9:3 10:23 49:13 95:2,5 99:17 106:14 107:14 127:22 169:9 170:4 221:22 223:9 224:4 227:7 238:12 288:2</p> <p>reasonable 32:24 33:4 152:24</p> <p>reasons 11:2 94:9 212:1</p> <p>recall 10:6,10,14,17,18 20:17,18,20 29:6,7,10,11,22,24 30:17,18 31:2 33:9 34:15,16 35:10 36:5,6,8,16,19,20,2 4 37:11 42:8</p>
---	---	---

43:3,15,16 50:23,25 51:12,14,23 52:20 53:9,11,12,25 54:23,24 58:24,25 59:1,3 60:24 63:6 64:7,11 73:2,3,7 76:17 83:11 84:18 86:3,4,11 88:6,12 103:18 105:4,5,8 113:25 119:13,14 124:17,25 131:14,22 133:15 140:13 158:21 159:6 165:8 166:2 169:4,5 172:7 179:3 187:16,20,21,22 188:11,12,13,18 190:5,11,25 200:24 207:11,16 216:25 218:8,21,23 220:6,7,11 224:1,11 227:6 228:15 231:5,8 232:8,20 233:2 234:8 236:15,20,21 237:7 238:23 246:24 248:7 250:14 253:1,15 261:18 263:17 268:23 269:5,19,20 271:12 275:10 282:6,15 286:1 recalled 63:16 recalling 164:9 receive 97:19 145:7 178:23 179:2 228:6,23 received 19:20 28:11 46:5,8,15,20 48:21 69:11,16 71:12 97:24 223:12 265:14 receiving 226:15 276:13 277:9 recent 215:11 recently 63:4 146:8 recess 87:13 115:21 160:8 243:24	recognize 247:20,21 250:18 recollect 210:14 recollection 21:13 37:14,22 38:6,22 52:1,15 53:16 62:8 78:23 94:21 118:15 127:1,14,21 146:24 178:22 185:4,12 216:3,16,21 217:15,21 218:9 228:11 240:4,6 283:22 record 14:6 23:15 50:23 87:12,15,23 112:4 115:17,20,23 160:7,10,12,16 242:22 243:21,23 244:1 255:20 277:1 278:25 287:4,6,8 289:7 recorded 112:7 289:5 records 39:11 red 252:1,17,23 253:2,3,8,13,16 254:2 258:16,19,20 259:7 275:13 referenced 268:18 referencing 270:11 referred 283:2 referring 50:25 170:6 220:15 281:4 reframe 217:8 refresh 62:7 237:12 262:15 regain 111:11 regard 240:7 regarding 20:15,24 21:4 32:12 35:1 36:13 43:1 62:3 64:22 regards 280:12 region 252:16	253:3,7 regional 10:8 88:3,9 104:25 105:7 133:3 161:15,25 246:21 regulations 106:3 reholstering 216:19 217:24 related 270:25 289:9 relative 289:11 relax 56:16,21 58:6 59:5,15 relaxed 57:3,5 58:6 59:5,9,14,17 relaxing 55:16 release 56:13 141:1 147:21,23,24 148:5,11,18,22 relevant 184:8 198:24 199:1 286:6 remain 125:20 139:2 remained 234:4 remaining 136:9 remember 9:22 10:20 37:4,5 38:1,14 39:20,22 47:9 52:7 53:21 54:10 56:11,24 59:10 60:12 61:22 62:21 63:10,25 64:5 66:20 75:13,17,18 76:3,14,22 77:1,5 78:19 86:11 88:6,9,12,16 91:15 92:25 103:18 104:19 105:20 106:18 114:17 121:10 130:3 139:12,25 141:10,17,20 146:22 148:14,16,20 149:17 150:12 151:20 159:22,24 163:23,25 164:1 166:2 170:14 175:5,7,9 176:21 178:10,12 181:5
--	---	--

185:16 187:13 192:1,6 193:23 194:6 202:11,12 218:11,13,14 229:1 232:12 234:12,17,18 235:2,3,17,19 236:3 237:6,17,21,23 239:17 242:4 259:23 260:5 263:3 268:4 280:3 285:17 286:6 remove 65:3 render 110:1 repeat 9:11 13:6 26:5 51:5 102:4 156:2 177:13 rephrase 9:20 35:4 101:16 200:3 report 49:22 50:15 112:22,25 Reported 1:24 reporter 3:12 5:7 6:2 13:11 26:7 31:13,18 32:1 51:6 52:12 102:8 134:12 137:21,25 138:3 156:3 157:17 171:14 177:15 203:5 206:14 213:13 277:5 representation 249:16 255:25 representative 167:4 request 1:15 Requested 4:1 requesting 148:20,22 required 26:14 106:4,6 requirement 45:9 270:24 requires 81:7 reserve 286:22,24,25 287:6 reserving 287:7	resident 41:25 resign 18:16 41:3 resignation 41:11 resigned 18:15 41:2,8,15 resist 229:23 230:22 resistant 228:7,24 resisting 100:19 101:2 239:16 respect 19:2 59:4 193:9 197:11 227:7 253:16 respond 152:2 183:16 211:21 238:13 responded 212:16 213:10 responding 238:6 response 31:21 256:12 283:19 responsibilities 154:15 responsibility 153:2 154:5 rest 194:5 resting 55:10 restrain 69:23 71:15 274:23 restrains 72:4,5 restraint 150:13,14,15,19 151:10,13 restroom 115:9 result 25:22 26:9,16,23 27:16 35:13 103:13,24 183:19 247:5 286:11 results 39:13,17 retract 261:6 retrieve 188:15 retrieving 56:4	return 105:6 returned 136:2 review 3:17,19 38:24 60:21 61:14,25 168:3 182:14 213:23 242:9 260:12 262:25 263:10,13 264:16 265:10 266:25 267:4,21 268:5,25 270:20 271:15 281:25 282:2,13 283:10,13 284:3,11 285:2 reviewed 62:1 64:9 260:14 263:1,5,8,15 264:3,7 269:4 283:6 reviewing 260:24 266:22 ride 234:25 ridiculous 204:4 245:20 rights 29:1 34:22 35:2,7 103:14,24 risk 43:6 45:1 risks 35:11 rolled 78:5 Romero 1:10,14 2:9 3:3,17 5:3,18 6:1 50:22 115:9 143:7 168:11 183:12 228:22 268:17 269:12 288:15,19 room 44:7 Roswitha 1:5 2:19 5:4 252:5 roughly 121:22 route 97:16 169:20 RPR 1:25 rule 157:6 177:11 273:13,23 ruler 167:3 rules 1:16 106:3
---	---	---

<p>211:14,15</p> <p>run 44:5,6,14 46:4</p> <p>47:3 74:17</p> <p>75:3,6,10,15,22</p> <p>76:9 90:13,20</p> <p>190:23 229:22</p> <p>230:21 274:14</p> <p>running 59:23 74:12</p> <p>90:10,22 194:16</p> <p>rushed 46:10</p> <hr/> <p>S</p> <hr/> <p>Saenz 1:5,6 2:19 5:4</p> <p>7:25 10:12,19</p> <p>24:20,25</p> <p>25:10,15,17 47:3,18</p> <p>49:11,15</p> <p>50:12,18,20 51:7,9</p> <p>52:3,18,24 53:14</p> <p>54:1,13,16</p> <p>56:5,14,15,21</p> <p>58:5,6 64:17,24</p> <p>65:25 66:2,7,15</p> <p>76:19,25</p> <p>77:10,17,19 78:7</p> <p>80:4,7,15 83:5</p> <p>86:25 87:4 104:20</p> <p>106:1 107:22</p> <p>108:1,7,8,18,21</p> <p>109:4,12 111:9</p> <p>116:13,14,18 117:9</p> <p>118:7,11,16,25</p> <p>119:6,16,19</p> <p>120:12,13,15,18,20</p> <p>121:3 122:2,4 123:1</p> <p>124:12 125:5</p> <p>133:3,6,14 137:18</p> <p>141:6,9,14 143:8</p> <p>147:20 154:1</p> <p>158:2,16 160:24</p> <p>163:5 167:12,19</p> <p>170:7,18 171:9</p> <p>172:13,20</p> <p>174:10,13,17,23</p> <p>175:7 176:3,9,20</p> <p>177:2,3,17,18</p> <p>179:10 183:13,19,23</p> <p>184:15 185:25</p>	<p>187:25 188:14,19,21</p> <p>190:9,21 194:1</p> <p>195:9 196:1,23</p> <p>202:15 207:9 208:2</p> <p>214:25 218:5</p> <p>219:20,22 220:8</p> <p>224:19 230:22</p> <p>231:10,14 232:3,5</p> <p>234:4,6,20</p> <p>235:6,16,22</p> <p>236:1,6,13 237:3</p> <p>238:1 239:3,16</p> <p>240:14,15,16 244:10</p> <p>249:6 250:17</p> <p>251:13,15 252:5</p> <p>254:24</p> <p>271:1,11,17,24</p> <p>272:4 274:11,23</p> <p>275:3,5,9 276:10,13</p> <p>277:9</p> <p>Saenz's 77:23 117:24</p> <p>118:18 127:14</p> <p>175:24 176:5 235:1</p> <p>246:14 275:13</p> <p>safe 96:18</p> <p>safer 19:10</p> <p>safety 92:22</p> <p>93:2,6,10 96:11,15</p> <p>98:13 99:19</p> <p>153:2,12,22</p> <p>154:6,11</p> <p>sally 50:2 52:23</p> <p>53:14 55:4 60:1,5</p> <p>67:19 78:4 91:14</p> <p>109:14 113:4 187:23</p> <p>188:15 190:16</p> <p>191:2,7 192:2,9</p> <p>199:25 200:5</p> <p>222:12,13 271:11,23</p> <p>274:24</p> <p>sat 59:22 125:14</p> <p>127:15 129:4,14</p> <p>152:14 235:6 282:7</p> <p>satisfied 242:13</p> <p>saw 9:16 14:8</p> <p>50:2,8,11,12,19</p>	<p>51:9 73:5</p> <p>77:16,21,22 79:20</p> <p>80:3,4,8 81:14,21</p> <p>82:7 83:5,7 84:9</p> <p>87:7 88:10 111:24</p> <p>112:2</p> <p>116:9,14,18,21</p> <p>117:17,25 120:23</p> <p>121:2,4,13</p> <p>122:3,7,16 129:7</p> <p>135:10 136:9</p> <p>137:4,7 138:1,6</p> <p>150:13 161:14,19</p> <p>170:15</p> <p>177:4,7,20,24</p> <p>181:15 182:4</p> <p>184:3,15 185:17</p> <p>186:8 199:17,20</p> <p>200:10,20</p> <p>201:8,13,21 208:16</p> <p>213:21 216:4,5</p> <p>217:2 222:5</p> <p>240:10,13,15 241:2</p> <p>243:3 246:22</p> <p>248:2,13 254:25</p> <p>265:15,21 266:6,9</p> <p>268:9 283:18</p> <p>scanned 257:15</p> <p>scared 111:18,20</p> <p>160:24</p> <p>161:3,6,12,21</p> <p>scaring 161:11</p> <p>scene 114:5 216:21</p> <p>257:11</p> <p>Scherr 2:6</p> <p>Scott 2:11</p> <p>screaming 59:23</p> <p>screen 252:7</p> <p>SEAL 288:22</p> <p>search 36:13 37:6</p> <p>searches 28:9 35:24</p> <p>36:7,10</p> <p>seat 162:3,7,9,16</p> <p>163:9 180:9 186:6</p>
--	--	--

255:19 seated 158:17 second 23:22,24 50:13 116:21 160:23 163:5 169:18,23,25 171:13 210:12 221:4,5,20,23 222:1 237:25 239:2 256:3,13 284:2,5 286:5 seconds 114:25 122:21,22 135:15,18,21 136:3 232:10 263:7 274:7 secure 1:9 2:9 5:4,17 165:15 secured 45:8 125:1 232:21 233:17 securing 125:22 security 19:16 32:9 37:13,16,18,24 41:6 46:14 93:21 95:20 144:12 209:1 seeing 88:12 101:22 152:24 206:5 216:16 252:4 268:4 seem 261:25 seemed 111:20 116:15 117:2,9,22 118:4 172:20,21 173:6 174:10 186:23 195:22 seemingly 260:19 seen 8:10,17 14:15 15:22 49:20 72:24 88:8 151:13 166:3 215:8 260:3 267:24 268:7,17,19 seizure 36:13 37:6 seizures 28:9 35:24 36:7,10 self-defense 21:1 46:6,19	sense 26:11,14 101:7 103:6 sent 31:7,18 32:7,9 228:11 sentence 176:2 178:4 237:25 239:2 285:4 September 40:4 60:25 73:12 sequence 53:25 138:12 173:1,9,15 174:2 273:10 280:18 series 85:17,19 175:5 216:7 served 73:9,11 services 189:10 254:17,20 session 38:9 273:18 sessions 36:18 38:8 sets 198:9 seven 105:2 113:20 175:21 several 36:22 275:12 278:20 severed 132:16 246:2 shackles 88:17,18,20 89:5,18 90:3,5,21 91:1,2,6,12 shake 119:20 129:8 shaked 177:7,24 shaking 177:5,21 243:3 shell 218:14 sheriff 106:19,24 107:1,3 shift 227:16,17 shirt 251:16 252:25 258:16 259:7 shock 221:16 225:1 254:12 shoot 85:21	86:15,16,25 87:4 225:6,8 242:25 shooting 3:17,18 50:16 60:21 96:18 105:19,22 147:7,11 160:3,18 168:3 182:13 213:23 215:8,15 217:15,23 222:16 227:1 240:9 241:5,10 254:12 260:12 261:25 262:24 265:10 266:25 267:4,21 268:5 271:15 short 11:19 12:4 13:23,24 113:24 114:6 246:12 278:16 shortly 78:3 shorts 75:17,20 76:4,8 shot 50:14 52:4,18 65:24 79:7,10,13,20 80:16 81:4,23 82:25 84:24 86:2,7 100:11 133:18 135:14 137:3 138:5,12 158:3,4 178:21 188:23 214:4 216:18,22 222:11 240:22 241:1 250:21 253:19 254:5,7,15 255:1,16 257:22 shots 78:1 99:6 shoulder 240:11 247:11 250:20,24 251:23 252:14 253:2 shoulders 54:7 58:9 59:11 133:23,25 151:3 showed 23:7 254:20 261:24 showing 23:24 shown 275:7,10 shows 77:9 248:9 267:7
---	--	---

sic 54:11 88:3 160:15 164:9 174:17 246:21 254:7 283:15	29:6,16,22,24 30:17 31:2,8,20 32:14,19 33:9,24 34:12,15,18,24 35:5,10 36:1,3,5,8,16,19 37:4,12 38:16,22 39:14 40:2,21 41:4,13,16,19 42:8 43:3,10,15 44:1,22 45:5,21 46:7,14 49:18,25 51:12 52:5,20 53:5,12 54:21,23 58:10,17,24 59:3 60:7 61:11,16 62:9,21 63:7,12,15,19 64:5,20 65:6,22 66:1,4,13,24 67:2,12 68:5,19 69:13,17 70:3,11,24 71:7,10,20 72:17 73:2,16,25 74:14,21 75:7 76:3,14 78:19 79:15,17 80:3,22 81:13 82:2,10 83:7,11 84:25 85:25 86:3,11 87:19 88:6,23 91:15 92:15 93:9,14 95:19 96:15 100:9,12,14,16,20 102:12 103:15,18,21,25 104:5,19 105:4,20 106:13 107:2,14 110:13,23 111:23 112:13 113:25 115:10,16 117:2 118:2,12 119:15,18 120:8,9,13,17 124:2,17,24,25 126:11,20 127:1,21 128:9,21,23 130:3 132:20,24 133:15 134:8 137:8 140:13,22 141:20 144:10 145:3 146:22 147:9 149:2,17	150:12 151:20 152:7 154:13 156:6 157:14 159:8,22 160:22 161:1 162:12,14 163:12,15 164:16 166:25 167:10 168:8,23 169:4 170:22 172:5 173:7 175:19 176:1,8,12,16 177:25 178:19 179:3 180:5 181:6,9 182:2,4,8,16,21 183:1,17,21,25 184:19,22 185:3,16 186:6,10,19,22 187:3,20 188:11,24 189:13 190:25 191:4,15 192:12 194:13 195:10,16,19,22 196:1 198:15 199:8,16 200:12,19,24 201:20 202:3,8,12,18 203:9,23 204:1,8,10 205:1,8,10,16,18,21 ,23 206:5,19 207:11,17 208:23 209:11,13,25 213:17,20 214:18,23 215:10 216:14,20,25 217:18,19,25 218:3,6 219:4,8,19,25 220:6,11,13,25 221:19,22,25 222:21,24 223:9,20 224:3 225:10 226:3,9 227:6 228:2 229:1,11,19,21 230:11,12,19 231:2,5,8,13,16,19, 23 232:4,15 233:7,20,24 234:12,18,24 235:3,10,13,24 236:5,25 237:6,10,14
sidebar 19:1 38:10,11		
sides 186:14		
sight 109:1 110:18 179:25 254:23		
sign 254:23		
signature 3:11 241:18,19 256:4,7,12 285:6,7 288:1,16		
signed 242:11 282:5 285:9		
significant 114:19		
signs 8:17 43:13,20 93:25		
silent 140:2		
similar 232:13 242:25 243:8		
Similarly 279:20		
simple 25:14 83:24 164:4		
simpler 259:2		
simply 6:17 84:12 93:4 280:17		
single 36:20 63:25 198:2,18 199:12		
sir 6:8,13,19,21,25 7:8,12,16,21,23 8:3,4,9,12,15,19,23 9:2,6,19,24 10:3,6,10,14,17,22 11:1,11,20 12:2 14:4,14,23 15:2,13,15 16:7 17:3,9,15 18:10,15,17,20,24 19:7,18,24 20:17 21:3 24:16 25:2 26:20 27:3,11,24 28:2,7		

238:4,8,17,24 239:7,10 240:25 241:20,23 242:2,6,16 243:1,6,9,12,15,19 244:17 245:3,6,13 246:3,14,17,24 247:3,7,11,16,21 248:1,5,7 249:14 250:13,19 251:2,25 252:22 253:6 254:2,9,10 255:12,17 256:2,19,23 258:9 259:19,24 260:16,22 262:4,14,15 263:9,17,25 264:1,5,9,18 266:4,8,11,17,19 267:1 268:23 269:5,14,20,25 270:6,7 271:6,7,13 272:13,22,24 274:9 275:6,11,15,20 276:7 277:11,17,21,24 279:19 280:1,15,21,24 281:3 282:4,8,15,24 283:17,24 285:5,17 286:2 sit 139:17,18 162:18 Site 2:15 sits 72:4 165:21 sitting 51:15 54:2,3 59:20 65:15 90:23 127:8 186:5 190:17 191:1 situation 12:23 13:1,14,16 15:3,5,7 16:17 19:3,4,9 27:4,14,15 43:10 46:24 57:25 94:11 96:3,17 97:13,14 98:21 99:4,24 153:8,9,10 167:11 178:24 186:8 220:19	223:13 224:18 240:4 245:14 262:5 situations 13:17 14:8,15,17 27:12,15 31:5,16 32:4,19,20 48:4 150:5 223:21 six 123:13 140:16,23 144:24 175:21 size 134:4 skills 39:6,24 sleep 6:24,25 slight 57:22 58:2 slip 199:3 slipped 167:19 168:19 slipping 89:2 slouching 56:1 139:18 slow 230:14 slowed 268:21,22,25 snap 163:9 social 215:20 263:4 264:6 socks 259:5 Solutions 1:9 2:9 5:5,17 somebody 45:1 197:5 230:21 somehow 46:22 196:17 219:22 220:5 242:15 245:15 246:25 someone 11:17 12:20 13:23 40:15 44:4 48:5 85:21 89:2 91:7 101:12 103:17 132:9,14 147:25 148:7 152:24 154:6 156:10 161:11 182:23 226:5,11 230:7 someone's 43:21	sometime 42:8 254:16 Somewhat 62:9 sore 193:23,24 sorry 12:18 15:18,20 35:4 40:10 45:14 60:25 61:5 62:16,24 70:17 71:21 74:23 81:16 87:2 90:4 99:11 102:4 105:18 113:20 115:8,10 125:8 134:6 137:13 156:2 164:24 168:14 169:22 177:13 183:10 187:4 194:11 195:8 196:3 201:4 203:3 214:8,9 217:6 222:9 228:19 230:16 258:20 266:3 272:10 276:7,11,16 277:6 282:1 sort 26:9 59:22,24 124:7 175:15 196:9 226:7 230:25 245:19 span 38:2 263:9 Spanish 259:9 speak 12:15 67:3,7 236:12,14 241:10 252:11 speaking 141:15,18 210:21 236:20,21 speaks 273:12 special 186:3 specific 15:4 30:13 227:18 specifically 153:25 260:24,25 speculation 8:7 11:8,25 13:4 14:2,22 15:1,11 16:6,12,22 17:7 25:25 26:18 27:1,9,20 28:16 29:3 30:4 33:7 39:8 43:9,23 44:11,21
---	---	--

49:24 59:8 69:4 70:5,9,23 72:9 73:21 74:20 78:11 79:1,24 80:19 81:6,25 83:2 84:5 86:9 87:1,5 89:9,20 91:9 94:15 96:13,25 100:22 102:24 107:12 109:18 110:11 114:23 124:22 128:1 133:9 136:1 149:16 150:10 152:20 153:7,14 155:4 159:7 164:22 167:7 169:11 171:7 174:22 195:5,14 197:1,16 198:5,14,21 200:2 203:16 204:25 207:21 219:17 223:3,17 224:9 230:1,9 244:16 245:12,22 246:10 248:12,21 249:12 251:10 253:21 255:10 265:24 271:3 speculative 31:1 33:15 speech 211:19 Spell 17:25 spend 38:13 62:19,22,25 215:14 spent 63:8 spit 151:1 spitting 150:16 spoke 87:24 158:22,24 182:14 squirming 192:25 stabilized 77:23 stamp 258:22 stand 22:2,14 56:18 65:16 74:7 120:16,18 123:10 151:22 162:18 178:14 189:11	193:11 200:6 252:8 282:20,25 283:20 standing 22:23 24:25 54:2,6 118:12 119:15 stands 58:3 start 20:7,9 94:17 95:21 104:11,17 113:22 122:8 173:18 175:17 211:19 212:6 275:25 started 19:24 40:7 59:22 65:3,23 76:19 77:2,24 119:19 131:9 177:4,21 192:25 194:1 209:10 239:3 starting 5:22 85:18 166:8 184:8 201:2,11 255:1 state 37:15,16 243:8 273:20 stated 163:16 statement 3:15,19 6:9 36:23 47:4 48:7,10,14,17 49:9 50:4,7,21,24 51:11,13,17,19,23 52:7,25 53:2 61:18,21 62:20,23 63:1,5,9,21 64:1,6,16,18,19 65:10,12 66:5,7,14,16 75:23 80:17 95:9 97:20 98:4 110:9 112:8,10,13 118:14,20,21,23,25 119:4,10 123:25 125:17 135:11 136:10 139:20,22 160:17,21 163:2,16 164:6,11 168:3,6 169:16,18 170:2,5 173:14,16 175:13 177:1,16 178:16,18	180:21,23,25 181:3 182:17 183:21 184:19 185:3 188:16 192:18 194:9 199:9,13,14,15 202:19 203:1,6,9 211:6 227:22 233:14 234:19 235:11,20 236:6 237:22 239:11,19,21,24 241:14,15,21,24,25 242:1,7,10,19 251:16 255:21,25 260:1,2 261:21 263:13,14 264:3 267:2 270:7,8 272:19 276:22 278:3,8,9 279:14,17 281:25 282:3,7,8,9,13,20 283:2,3,6,13,16,20, 22 284:2,4,5,8,9,12,19 ,22,24 285:2,16 statements 62:2,10 64:8 242:14 243:16 260:19,25 263:10,15,20 264:4 277:13 279:11,12 286:16 STATES 1:1 station 10:8 104:13 133:1,17 136:23 141:12,16,19 142:14 161:18 167:20 168:19 179:21 227:11,20 231:12 250:13 stay 22:13,23 55:20 108:23 stayed 125:23 129:6 146:12 staying 140:2 steep 111:14 stenographic 14:6 87:23
--	--	--

step 108:9	77:4 109:24 116:13	21:12 44:22,23
steps 32:18	195:2 251:4,7	47:24,25 51:13,24
stipulate 13:8	stuff 36:25 124:15	52:13 63:12,16
stomach 251:23 253:7	186:12 242:20	67:13 72:10 73:25
stood 76:18 199:24	subject 46:10,21	74:14 81:13
214:3	71:20 72:3 77:25	82:2,3,5,6 89:21
stop 37:9 89:16,21	99:6,8 146:9 150:16	93:9 97:24 110:19
111:9,10 113:22	153:18 165:14,21	122:23 127:19 128:3
114:1,7,8,9,10	221:10	143:15 151:12
186:13 194:21	224:6,18,21,23	158:25 164:25
stopped	273:22	165:24 167:10
114:1,19,20,24,25	subject's 70:15,16	192:12 195:9,15
115:2,6 219:20	72:1,5 83:20	196:1 206:5 222:14
stopping 111:10	SUBSCRIBED 288:20	223:6,20 230:14,24
114:13,16 219:12,14	successfully	231:19 233:7 241:23
strain 167:14	136:16,22 138:19,20	242:6,10 245:3
street 37:9 44:9,19	sudden 67:16	249:13 254:1 255:12
107:19	sued 29:1	256:2,3 258:15
streets 45:2	34:6,7,9,20,21	282:3
stressful 262:5	35:1,7,12	surprise 170:23
stretch 245:5	suffered 250:21	225:2
stretchers 149:11	suffering 148:7	surprised 67:16,21
stride 90:7	sufficient 281:24	surveillance 268:18
strike 25:13 31:11	282:2	sus 46:10
39:3 52:9 83:22	suggest 212:7,9	suspect 69:14 71:4
112:15 134:10	suggestive 270:3	84:12 87:17 143:19
137:14,19 142:15	Suite 1:18 2:11	145:20,22 219:6
164:3 171:4,19	summarization 260:20	suspension 34:4
184:24 190:7,8,13	summarize 181:11	sustain 226:21
226:11 280:16	summarized 181:20	swear 5:7,24
striking 111:22	summary 181:13	sweat 54:12
112:11 116:22	superior 159:3	sweater 258:17
170:24 225:22	supervisor 146:25	swinging 50:13
strongest 194:19	189:9 286:10	112:16 117:10 175:3
struck 111:25 116:16	supervisors 17:11	switch 186:14
117:13,14 119:6,24	270:13	sworn 6:2 203:20
struggle 193:14,20	Suppose 96:17 97:4	204:19 285:9 288:20
194:15 200:6 201:7	supposed 50:3 110:1	swung 112:20
214:2 222:20	sure 7:3 8:8 9:21	system 11:4 151:1
struggled 60:15	11:10 12:1 14:4	
struggling 76:25		

T

tactical 68:25 69:7

tactically 46:9	224:2,4	176:14 206:21
tactics 69:11,13,14 145:19	taught 11:5 18:25 19:9 20:23,25 21:9 22:6 23:8,13 24:12 25:18 28:3,8,18,22,23 29:8,10 30:1,11,12,15 32:23 33:2 34:3,6,8 35:24 37:7 43:16 46:13 69:20 70:25 71:1,2,3,8,14 82:11 83:12,25 84:12 85:20,23 91:22 92:3,5 93:11 94:5,22 95:2,4 103:9,13 144:16 153:19 219:5 224:17 226:5,10	208:24 209:16 210:1 227:23 232:2 238:20 269:23 271:14 277:22 278:5,9 279:4,7 280:3,19
taking 10:12 11:3 43:5 71:4 98:9 107:25 109:15 111:19 113:11,21,23 129:18 130:12,21 135:4 141:12,13 147:24 189:1 218:7 243:2		testify 52:22 196:14 212:17 278:18
talk 42:25 111:12 141:11 217:1 218:8 232:11		testifying 6:11 7:10 63:21 209:24 213:16 226:20
talked 43:3 202:9 226:1		testimony 6:23 7:2,6,14 9:14,23 43:14 47:9,11 51:25 52:14 57:9 58:20 60:10 61:10 62:8 63:17,24 64:3 66:20 75:25 76:12 80:20 97:22 117:1,7,19 118:9 120:5 126:17 140:10 143:20 144:2,14 152:20 154:12 156:13,25 157:9,11 167:17 168:22 169:2 173:21 174:7 176:13 178:11 181:19 184:18 189:19 194:23 195:18 198:25 199:7 201:11 202:5 209:22 210:4,7,10 213:14 217:5 223:17 227:22 229:5 233:21 235:2,11,17 236:3 253:24 260:20,21 261:5,13 262:24 263:1,6,11,16,25 264:12 266:23 267:21 268:2,7 269:2,21 271:14,21 277:15 280:2,10 281:6,7,10 289:5,6,7
talking 12:24 13:12 49:25 51:18 56:9 67:18 145:13 153:8 192:1 201:6 208:7 218:16 227:19 252:18 253:5,10 265:20 266:6,16 270:4 284:7	teach 21:4 31:3,14 32:2,6,11 44:25 93:15 144:13,17,21 145:1	
tall 45:20	teaching 84:9	
tank 128:17,19,24 129:1,13 139:1,2,6,9,10,14 140:2,6 141:23,25 152:5 236:2,8 237:16,17,21 238:1 248:4	teachings 28:11,18	
tape 115:18	Team 3:19	
tase 223:24	techniques 21:1 87:17,20 132:8	
tased 220:12,18,22,23,25 221:7,10,20,21	ten 111:3,4,6 113:19,20,21 115:3,5,6 140:14	
taser 80:9 145:19 216:23 217:2,17 218:2,17 219:1,5,11,13,19,23 220:5 221:11 223:1,12,23 224:16	tend 15:7	
tasing 223:8,25	tensing 221:16	
	Teri 1:25 289:16	
	term 11:12 144:7 202:20 203:7 205:19	
	termination 33:18 34:4	
	terms 222:14	
	terrible 259:8	
	test 38:17 39:13,16	
	testicles 214:21	
	testified 6:2 63:5	
		testing 38:19,20 39:5
		tests 38:23
		Texas 1:2,18

<p>2:7,12,16 37:15,17 287:6</p> <p>Thank 24:10 115:17 226:23</p> <p>thanks 282:18</p> <p>that'll 207:4</p> <p>that's 7:1 11:20,22 19:22 20:8 23:21 24:8,19 26:20 27:14 31:9 32:9,10 34:12 37:15 39:22 40:16,18 43:18 45:13,16 47:10 48:12,22,25 49:4,8 50:17 51:2 53:1 55:1 57:11 58:25 59:25 61:8,21,24 62:6,18 63:19,23 65:9 66:1,21 71:13,20 72:2 73:17 74:5 78:1,23,25 79:8,11 80:8 82:10,11,18 83:6 88:19 90:11 92:1 93:3 97:2 98:24,25 99:25 100:20 101:6,21 102:22 103:12 104:7 105:12 106:2 109:10 110:2 111:5,17 112:4,6,9 113:17 115:16 116:8 117:13 118:2,21 121:2 124:8,12 125:16,19 128:18 129:12,25 131:11,21 133:2,20 135:12,17,20 136:7 137:6 138:25 139:4,19 140:5 141:3 144:1,7,13,20 147:12 148:1,3,7 150:16 151:9 157:5,12 160:4 161:19 162:21 163:1,13 164:13 165:1 166:13 167:18 170:5 171:11 172:21,23</p>	<p>173:1,9,11,12,25 174:14 175:4,17 176:7,13,19,20,21 180:2 181:21 182:16 185:6 193:7,16 194:1 195:23 196:18 197:9 199:16 200:23 202:4 206:20 209:2,14,15,18 210:25 211:4 213:22 214:1 216:5,8 217:12 218:14 221:10 222:13 223:23 224:12 225:15 226:9,16 228:15 229:11 233:10,16 237:11 238:8 239:14,19,21 240:2,8,25 245:25 246:3 247:16 250:20 252:15 256:4,7 259:3 263:23 266:11,19 267:7,10,14 268:11 270:6,12 274:14,17 275:15 278:17,22 279:1,3,10,16 280:1,5,8 281:4,9,14,18 282:11 283:2,5,9,25 284:1 285:12,23 286:13,14,19</p> <p>theirs 21:14</p> <p>themselves 12:10</p> <p>themselves 164:14</p> <p>thereafter 264:17</p> <p>therefore 42:20</p> <p>there's 7:17 13:16,17 15:13 57:25 70:6 72:1 81:14,21 94:11 99:10 110:17 149:22 150:23 165:17 190:12 211:22 218:13,14 241:18 242:17 246:4 252:13 270:18 280:14 285:6</p>	<p>they'd 246:7</p> <p>they're 11:4 13:1,14,24 21:14 22:24 23:1,2 40:16 43:11,14 44:6,13,17,18 45:11 46:22 47:8 90:7,9 96:19 167:12 184:16 188:1 199:11 208:7 261:2 265:20 266:15</p> <p>thigh 56:7 80:12,13 83:6,13,19,25 84:13,22,25</p> <p>thighs 75:20 80:10</p> <p>third 239:15 256:5,6</p> <p>thoughts 207:7</p> <p>threat 210:24,25 211:4</p> <p>threaten 212:14</p> <p>threatening 210:18 213:9 232:18</p> <p>threshold 117:12 119:24 172:24 173:1 177:3,19</p> <p>throat 240:18</p> <p>throughout 130:14,23 244:8,9 275:13</p> <p>throw 228:14</p> <p>tie 70:14,17</p> <p>tied 74:15</p> <p>tight 164:15 165:16</p> <p>tighten 165:22</p> <p>tighter 165:21</p> <p>tilting 151:7</p> <p>tiny 58:14,19</p> <p>tip 54:8</p> <p>tipping 54:21 55:25 59:22</p> <p>tired 7:24 8:3 16:9,18 17:5 194:22</p>
---	--	--

223:14	training 17:16,17,20	153:3,11,21
today 5:18 6:23	18:3,18,21	154:7,16 155:8,17
7:2,6,14 51:15	19:12,15,16,17,20,2	156:22 157:3,22
52:22 61:15 62:8	3	180:3,8 229:17
63:6,11,18,22 82:16	20:1,3,6,10,13,19,2	247:7 270:12 280:15
129:24 143:18 144:7	1 24:14 30:14,18	traumatic 163:24
210:7,11 212:1	31:7,19 34:13 35:12	treatment 141:24
239:22 260:20	36:4,6,10,18	142:3 152:18 154:15
261:9,13 267:17	37:18,19 38:3,8	156:22 157:21 158:2
269:2,16,24 270:9	42:11,14,16,19,23,2	248:10,19
279:4,21 280:19	4 43:1 46:5,16,19	tree 110:16
281:16	69:11,16,19,20	trees 110:17
Today's 5:1	71:11 79:22 82:19	trial 286:23
tolerate 212:5	84:19 93:5 103:5	tricep 24:5,6
tools 224:23	107:10 143:17,25	tried 75:3 76:21
top 194:20 208:7,10	145:5,7,12,13,14,16	77:13 121:18 138:21
233:16 239:2 241:6	,18,19,24 146:7	190:13 208:1
247:2 248:1	178:23 179:2 223:11	trigger 49:21
265:13,14 267:9,11	224:10 228:6,12,23	trouble 193:25
topics 242:4	229:2	troubles 162:3
topside 117:14	trainings 46:17	true 9:1,5 10:2,25
torso 129:3 251:19	transcribed 267:13	16:4 19:21 20:4
total 62:23,25	transcribing 267:17	26:24 27:6 28:9,14
227:14	transcript 206:24	29:2 34:14 36:7,23
touch 85:22 86:1	213:2 229:13 267:5	47:4,19
touching 57:15,20	Transcription 3:17	49:3,10,16,22
84:23	transfer 162:18	50:4,21 51:11,16
toward 235:6	185:25	53:4,7 57:7,23 58:9
towards 24:3 80:9,12	transport 26:15	59:16 63:18,22
108:10 112:21 115:5	56:19 65:18,24	66:16 69:23 70:21
138:15 173:18 174:3	74:10 104:9,16	71:12 72:22 74:13
226:12 243:5	107:7,16 109:22,24	75:22 80:17 81:21
track 124:10 262:4	137:16 154:18,22	82:13 87:18 88:22
trade 130:9	161:16,24 180:14	89:18 90:18 98:4
traditionally 73:18	185:18,21 186:2,4	99:24 102:22 110:8
traffic 99:11	227:10,13 230:20	118:1,2,3,13,14,20,
train 15:17 93:23	231:3,17,25	23,25 119:4 135:11
trained 16:16 17:13	270:5,15,17 272:5	136:4,10 144:14
35:19 82:8,23	transportation 66:13	160:3 161:4 170:7
93:17,24 95:15,22	104:12 280:23	173:1 188:16 193:6
110:3 143:24 144:4	transported 104:21	195:25 199:12
219:1 226:2	158:6,8 246:21	200:18 206:1,18,21
	transporters 107:7	209:14,25 224:7
	transporting 10:19	232:6 234:1 238:10
	65:20 104:18 106:16	239:22 241:17

264:12,17 279:9 280:20 281:13 282:3,10 284:25 285:10 286:13 288:17 289:7 truth 6:10 7:13 181:7 truthful 48:10 160:20 163:20 164:5,8,11 168:7 176:7 242:14 try 46:23 47:4,8,19 90:13 194:19 212:6 213:1 229:23 230:23 243:14 249:2 252:9 278:14 trying 54:8,13 59:6 70:18 77:1 80:4,7 81:2 83:20 90:9 98:25 117:24 130:24 139:16 142:13 162:16,18 163:25 164:8 175:23 190:7,8 191:20 192:4 195:11,15,20 196:15,24 197:4,6,7 210:22 211:20 230:7 249:6 turn 168:9 184:1 208:5 272:8 274:7 turning 241:2 twenty 281:16 twice 84:16 220:25 TX 1:25 tying 89:23,24 type 12:9 13:18 43:25 72:6 97:25 103:7 165:22 171:10 208:3 228:22 229:18 230:12 typed 242:3,8 types 224:23 typically 40:15	131:4 <hr/> U <hr/> U.S 41:21 145:15 146:2,8 Uh-huh 168:12 unable 17:5 94:12 274:23 unclear 27:14 uncomfortable 134:3 unconscious 54:17 127:24 128:3 192:11,13,15 238:13,17 unconstitutional 103:11,17 uncooperative 25:11 65:21,25 66:2,8,15 69:15 139:15 238:9 underneath 21:15,16 22:21 23:16 24:2 65:1 77:3 131:3 180:12 194:4 201:18 202:4 understand 6:12,17,18 7:11,14 9:19 13:20 22:11 45:9 53:7 73:17 84:10 94:20 133:5 149:21 153:1 155:22 156:4 206:12 216:13,17 220:17 230:6 276:17 understandable 230:15 understanding 11:15,16,20 32:15,17 33:18 37:20 47:18 70:12,14 90:2,5 92:8 103:21,22 143:19 146:6 150:4 153:16 155:6,11 165:12 205:4 267:20 269:15,21 270:21	276:20 understood 6:20 27:6 50:3 109:23 underwear 68:20,22 unethical 212:13,15,19 unfolded 114:5 222:6 unfounded 42:4 uniform 91:16,18 104:14,15 unit 106:9 257:11 UNITED 1:1 units 78:1 universal 226:17 unknown 233:2 unlawful 11:6 unless 51:22 unlocked 45:3 unresponsive 171:24 unruly 99:10,14,18,20,22 unusual 101:12,18,24 102:10 upper 251:18 275:14 upright 55:20,22 56:7 57:19 59:12 128:13 129:4 130:13,14 139:16 191:21 upset 8:5 14:9,18 upstairs 141:12,23 147:13,17 183:23 184:13 248:3 urgent 68:17,19 USA 1:9 2:9 usable 212:4 useful 224:17 usually 151:1
--	--	---

<p>UTEP 258:16</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vague 8:1 9:7 11:7,25 12:7 13:3 14:1,11,21,25 15:10,24 16:5,11,22 17:6 19:6 24:23 26:17,25 27:7,20 28:15 29:4,19 30:3 31:6 33:1,6,14,22 34:10,23 35:3,8,16 37:21 39:9 43:8,22 44:10 45:4 47:13 49:24 50:6 68:18 69:4 70:4,8 73:20 75:12 76:2 79:24 81:7,24 82:14 83:1 91:24 92:18,23 93:8 94:14 95:7,18 96:12 100:21 101:20 102:1 103:21,22 107:11 109:17 113:6 119:8 124:1 132:5 139:21 142:20 143:4 144:3,15 145:2 146:1 153:13 167:6 179:8 224:8,20 228:8 244:7 260:7 261:11,15 262:2,10 271:25 275:1 279:24</p> <p>Valley 31:8,19 32:8 38:4 104:25 105:7 133:3,12 161:15</p> <p>van 10:13 78:4 88:15 105:25 106:5,7,8,11 107:16,20,21,23,25 108:8,9,13 110:8,15 111:1 136:13,18 137:2 138:4,11,15,16 154:22 155:8,10 157:3 161:19 162:1,4,18,21 180:10 185:24 187:7 226:25 231:3,17 242:24 247:8,13 270:18,19</p>	<p>vans 231:25</p> <p>various 25:10 27:25 31:4,15 32:3 66:18 139:7</p> <p>verbally 22:6 56:9</p> <p>versa 188:20</p> <p>versus 5:4 44:15 198:18</p> <p>vice 188:20</p> <p>vicinity 254:15</p> <p>Victory 2:4</p> <p>video 64:19 77:9 166:9,12 177:11 215:12,16,20,23 216:5,6,11,12,16 217:22,23 218:9,15,19 222:5 240:5 260:3,15 261:2 262:7,14 263:1,5 264:11,17,25 265:15,21 266:7,10,17,22 268:4,7,10,21 275:10 283:13,15,18</p> <p>videographer 2:19 5:1 21:25 23:5,12 87:11,14 115:19,22 129:24 160:6,9 243:22,25 287:2,8</p> <p>videos 260:25 264:4,7,23 266:16 267:24 268:18,25</p> <p>videotape 215:8 239:25 263:2</p> <p>videotaped 1:14 5:3 264:20,21</p> <p>videotapes 215:15 283:11</p> <p>view 110:6,14 191:19 215:18 251:18 264:11</p> <p>viewed 215:19</p>	<p>viewing 64:19 216:4,11 261:2 262:7,14</p> <p>violate 37:8</p> <p>violated 280:3,13,22</p> <p>violating 280:10,20</p> <p>violation 26:23 27:17 28:13 30:2,10 34:22 35:7 103:14 269:18,22 281:1</p> <p>violations 29:1,2 35:2,14</p> <p>violence 14:19 15:23 16:3</p> <p>violent 15:7</p> <p>visible 166:20,22,23,24 247:14</p> <p>visually 22:5</p> <p>volts 219:22 221:12</p> <p>voluntary 41:11,13</p> <p>volunteer 22:1</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>waist 72:1 75:20 151:2 163:8,10 251:23</p> <p>wait 56:12 107:24 108:3 210:12 273:7</p> <p>waited 85:11</p> <p>waiting 107:20 129:5 189:10</p> <p>waive 42:22</p> <p>walk 25:8,14 75:3,5,9,15,22 76:9 108:10 110:25 111:4,15 113:4,22 115:5 139:8 149:1</p> <p>walked 68:1 108:18 110:7 111:7 122:24 187:7,12 241:5 254:21</p>
--	--	--

<p>walking 10:12 73:5 76:7 90:7 114:6 115:1 123:2 130:16 149:13 150:8 162:1 170:9,16 226:24 228:1</p> <p>wall 110:16,17 127:9,10,15,16,18 162:21 163:7 192:22 235:2,7</p> <p>walls 247:9</p> <p>wasn't 11:1 26:11 47:25 56:23,25 57:18 59:23 69:2,8 91:18 95:4 113:8 130:19 131:20 163:25 186:23 200:20 220:21 224:14 234:15</p> <p>watch 65:18 170:12,17,19 171:3,17 172:6 178:20 243:8</p> <p>watched 217:22</p> <p>watching 78:23 126:2,3 172:6</p> <p>water 115:11</p> <p>ways 23:8 35:6 71:8 149:12</p> <p>weapon 86:13,21 208:8</p> <p>weapons 83:20 187:8</p> <p>wearing 251:16</p> <p>we'd 155:17</p> <p>Wednesday 1:16</p> <p>week 38:2,5</p> <p>weigh 45:22,23</p> <p>weight 45:24 117:22 174:11 194:7,20</p> <p>welcome 213:2</p> <p>we'll 7:3,18 13:7 51:3 102:6 157:15</p>	<p>166:9 171:12 222:5 252:2,9 257:1,14,15 276:24 277:2,4</p> <p>well-being 153:12 154:11</p> <p>we're 22:22 42:22 51:24 52:13 56:17 98:25 115:20,23 140:25 141:2 147:19 160:10 175:15 201:8 242:21 244:1 252:12 253:5 267:3 270:4,18 281:4 287:3</p> <p>WESTERN 1:2</p> <p>We've 5:14 85:14</p> <p>whatever 53:10 64:11 250:2</p> <p>wheelbarrow 151:7</p> <p>wheelchairs 148:25 149:6</p> <p>wheels 151:4,5,6</p> <p>whooping 78:16,20 79:12,16,17 240:17</p> <p>whenever 98:8 106:21 107:4</p> <p>whereabouts 94:10</p> <p>whether 8:16 9:17 10:24 22:8 23:1 30:9 52:2,16 75:19 86:15 118:11,24 134:17,21 148:16,18 175:6 181:16 182:14 197:4,18 202:9 216:9 219:11 224:15 237:16</p> <p>white 258:19,20 259:6</p> <p>whoever's 133:16</p> <p>whole 65:20 128:8 130:14 161:8 164:9 194:20 196:12 205:5 241:24,25</p>	<p>whom 289:3</p> <p>who's 5:18 12:20 69:15 98:3</p> <p>whose 61:7 186:19 289:5</p> <p>wife 85:13</p> <p>Wiles 106:19,24 107:1,3</p> <p>winded 193:22,25 194:22 223:15</p> <p>windy 194:22</p> <p>wiping 54:12</p> <p>wish 285:2</p> <p>withdraw 58:4 66:6 69:10 97:4 126:23 147:12 193:10</p> <p>withheld 286:1</p> <p>witness 3:2,15 5:8 9:14 21:20 26:5 31:25 48:7 50:4 57:9 61:5 64:3 115:10,16 123:25 210:22 211:20 212:7,10,12,16,23,2 5 213:5,7,9 258:16,19 275:21 289:5,8</p> <p>Witness/Sworn 3:19</p> <p>woman 250:11</p> <p>Woodland 2:4</p> <p>work 37:16 40:22 42:21 46:1 73:13 151:15 229:3 252:11</p> <p>worked 27:25 36:22 40:3 91:17 103:19 106:12 149:5,13 155:12 203:11,12,18,21 204:6,22 205:1</p> <p>working 11:22 12:5,20 13:21,23,24 18:8 20:4 40:17,19 82:16 93:13 99:7,9</p>
--	---	---

<p>100:3 103:23 107:10 144:12 145:4 197:24 204:17,19 205:3,7 229:7 231:6,9 250:13 286:10</p> <p>world 145:6</p> <p>worried 161:3 197:23</p> <p>wound 78:6 142:4 170:24 240:10 250:20,24 251:6</p> <p>wounds 255:15</p> <p>wrapped 75:3,10,14</p> <p>wrist 132:17,18 167:3</p> <p>wrists 89:5 150:22 165:1,4,16 167:14 244:13,19,23 245:2</p> <p>write 49:22 170:3 242:19</p> <p>written 52:25</p> <p>wrong 103:4</p> <p>wrote 53:10 164:5 170:6 178:16</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yards 108:15,16 110:25 111:4,7 113:20 114:8</p> <p>yell 169:8 208:3</p> <p>yelling 59:23 123:23 141:8,10 170:4</p> <p>yesterday 63:7</p> <p>yet 127:12 220:23 224:14 236:6 277:18</p> <p>you'll 168:15 206:12 252:10 277:2</p> <p>yours 8:25 10:24 11:3 63:10,21 199:7 211:21 236:6 237:22 278:3 279:9</p> <p>yourself 52:23 96:20 181:11 201:2 205:15</p>	<p>224:18 225:12 242:13 243:5 246:5 271:11,24 274:24</p> <p>yourselves 5:7</p> <p>YouTube 215:18,20</p> <p>you've 8:13,17 11:5,12 16:16 23:7 27:25 28:22 29:23 36:21,22 42:19 52:25 56:15,20 63:10 70:25 74:2 82:11 88:8 98:2 99:13 143:17,24,25 149:3 157:5,12 160:1 176:14 202:25 215:8 220:12,21 230:24 260:21 278:5,9</p>	
--	--	--